



# CEYLON AND HER CITIZENS

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## PREFACE

THIS book has been written primarily to satisfy the requirements of students offering Civics as a subject at the S.S.C./G.C.E. examinations. We have attempted to make the comprehensive field of knowledge which the subject of Civics implies, intelligible to the student, by relating the citizen to his environment. Our aim has been to show the citizen in his relations with his fellow-beings in his neighbourhood, in his country and in the world ; his relations with his fellow-beings in the way he earns his living and in the way he participates in the process of government. In writing this book, we have also kept in mind the needs of the general reader who wishes to inform himself of what citizenship involves. Our hope is that this book will be of use both to the student and to the general reader.

Whether and how far we have succeeded in what we have set out to do, only teachers, students and other readers can tell. We shall be glad, therefore, to be informed of any criticism that our readers may wish to make.

Although we are responsible for any errors of commission or omission, we must thank Sir Ivor Jennings, Dr B. B. Das-Gupta, Mr B. A. Jayasinghe, Mr B. C. Ahlip, Mr R. K. W. Gunasekara, Dr L. S. Perera and Mr A. V. de S. Indraratne for their comments on several chapters. We also thank Mr E. V. Christian for the map and diagrams and the Library staff of the University of Ceylon for their kind assistance.

*University Park*

*Peradeniya*

15 June 1955

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## OUR COUNTRY AND OUR PEOPLE

WHATEVER other differences we may have there is at least one thing common to us all: we live in Ceylon; our homes are in Ceylon. Not only do we love our country, we would also like to see it a better and a happier one. We can do so only if we know about our country. There are many things we all have to know before we can understand what our 'inheritance' was when we were born and what it is today. If you know even a little about this country then one day you will be able to contribute something towards the improvement of Ceylon.

In this book you will not find all that you ought to know. What the book hopes to do is to give you some idea of the way we earn our living; the way in which our country is governed; and the relations we have with other countries of the world in so far as these affect the way we govern ourselves.

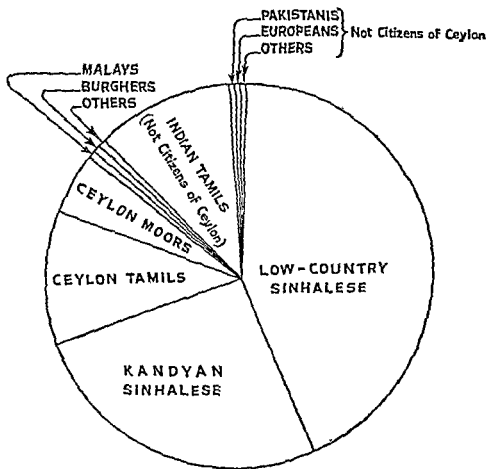
**The People.** The first thing we ought to find out is who we are. As you know, we are a small country with a small population. In 1946, when an account of the population was taken, there were 6,657,339 people in this country and in 1953 there were 8,098,637. Taking an account like this is called a Census. As we have just seen, in 1946 the population in Ceylon was less than 7,000,000; now it is more than 8,000,000. Every year the population of our country is increasing. This is a problem which will be examined later on.

One important fact about Ceylon's population is that it is a mixed one. In Ceylon we find people belonging to different groups, which are often referred to by different names. In 1946 there were 2,902,509 Low-Country Sinhalese; 1,717,998 Kandyan Sinhalese; 733,731 Ceylon Tamils; 780,589 Indian Tamils; 373,559 Ceylon Moors; 35,624 Indian Moors; 41,926 Burghers and Eurasians; 22,508 Malays; 2,361 Veddahs; 5,418 Europeans; and 41,116 others.<sup>1</sup> From this it is clear that a large number of different groups of people live in our country. Some of these groups are called 'races'. Some people think

<sup>1</sup> The 1953 figures were as follows: Low-Country Sinhalese 3,464,126; Kandyan Sinhalese 2,157,206; Ceylon Tamils 908,705; Ceylon Moors 468,146; Burghers 43,916; Malays 28,736; Others 20,678; Indians 983,304; Pakistanis 5,749; Europeans 6,909; Others 11,162.

that the Sinhalese belong to one 'race', the Tamils to another, the Malays to yet another, and so on.

The word 'race' is often a misunderstood term, and so it will be useful for us to consider this particular word before we proceed



## RACIAL DISTRIBUTION OF POPULATION IN CEYLON(1953)

further. The word 'race' is used to indicate groups of people different in appearance, language or culture; culture means behaviour which is not given to man at birth but which must be learned from grown people by each new generation. Instead of this loose definition some people understand the word 'race' to mean something more. They think that races are distinct human groups with completely different characteristics. From

early times, people have attempted to divide human beings into races. The ancient Egyptians divided human beings into four races ; the Red (themselves), the White, the Black and the Yellow races. It is clear from this division that the colour of the skin was considered the basis of classification. Other people, and several modern scientists, have attempted to divide human beings according to different traits. Some divided human beings into races according to the shape of the head, or the shape of the nose, or the quality of the hair, or a combination of these. For instance, some people think that since Chinese and Eskimos have straight, lank hair, the peoples of Europe, India and Australia have wavy hair, and the negroes have woolly hair, they can divide these peoples into three different groups. Modern scientists have found, however, that there is no such thing as a pure race, entirely different from others ; traits common to one race are found in people belonging to other races. One reason for this absence of pure races is that from the early beginnings of history there have been great movements of people over the earth's surface. If you look at your own history book you will find mention of this.

There is, then, no such thing as a pure race ; on the contrary, all races are mixed. Even so, the word 'race' has a useful meaning if we mean by it no more than a particular group of people having certain characteristics in common. There is no harm in using the term 'race' if we remember what we have just said about it.

However, there are some people even now who think that there are 'pure' races and that certain races are inferior to others. Hitler thought that the Nordic (German) race was superior to all other races. Certain people in South Africa believe that the 'Whites' are superior to the 'non-Whites'. We must remember also that in history various peoples have thought other peoples to be inferior. Cicero, the great Roman statesman, wrote thus : 'Do not obtain slaves from Britain because they are so stupid and so utterly incapable of being taught that they are not fit to form a part of the household of a man of Athens.' Modern scientists, however, consider that there is no truth in the view that one race is superior to another. Racial superiority is usually claimed by those who wish to persecute another group of people or to prevent them from obtaining equal rights.

From what is said above it should be clear that when we speak of the Sinhalese race or the English race we are using the term in



a loose way. We use the term because there are certain differences between different groups of people such as Sinhalese, Tamils, Malays, English and so on. Let us not forget, however, that no one race is superior to another. We must remember that all of us have equal abilities and, given the opportunity, all of us can reach the highest standards.

Let us now try to find out how these various groups that were mentioned earlier came to live in Ceylon. The Sinhalese, who form the largest group in our country, came more than two thousand years ago, probably from a region close to Bengal. You must have read the story of Vijaya and his seven hundred men. That story illustrates the fact that our Sinhalese ancestors came from north India. They settled in the north-central part of the island and gradually spread over the rest of the country. It is difficult to say exactly when the Tamils came to this country. Some people think that a few Tamils might have been in Ceylon as traders even when the Sinhalese first came, but it is certain that they came in large numbers in the Tamil invasions which began very early in our history. In the thirteenth century they were powerful enough to establish an independent kingdom in the north. The Moors came to Ceylon about eight to nine hundred years ago, mostly as traders. They have settled down in large numbers since that time.

You may have read in your history books about the invasions of the Portuguese and the Dutch. The Portuguese first came to Ceylon in 1505, and they controlled the maritime provinces of Ceylon for the next hundred and fifty years. The Dutch then defeated the Portuguese and captured the maritime provinces. Dutch rule in Ceylon lasted for about one hundred and fifty years, till the British in turn defeated them. To the Portuguese we owe the Roman Catholic religion. Some of the words we use in Sinhalese were borrowed from the Portuguese language. The Dutch gave us the Roman-Dutch Law which is the basis of our legal system. Many Portuguese and Dutch people married local inhabitants and the descendants of these mixed marriages, who have mainly intermarried among themselves, are called Burghers. There are not many of them, but they form an important part of our people.

We have also in this country a group of people called Indian Tamils, who are largely recent arrivals from South India. From about 1823 onwards we find the growth of new plantations in this country. First coffee, then tea and rubber became important industries. The local inhabitants of Ceylon did not desire

to work in plantations and leave their farms, so the European planters who owned the plantations were compelled to bring people from South India to work in them. That is how the Indian Tamils were brought to Ceylon. A good number of these people have lived here for very many years. Many of them are the descendants of the original labourers, and were born and bred in this country. However, one can also find a considerable number of very recent arrivals who have not lived very long in our country.

European residents in this country are largely British planters, businessmen and government officers. Now, of course, we have a number of 'foreign experts' who are most often European. Most of the Europeans do not intend to make Ceylon their permanent home, and are only here for commercial reasons. They generally manage large estates and big business houses.

The Veddahs are a group of aboriginal people who have continued to survive in their primitive ways in spite of the development going on around them. Many of them are now becoming absorbed into the Sinhalese and Tamil groups.

All these people that we have referred to are not evenly distributed throughout the island. If you look at the map on p. 7 you will see that there are many more people in certain parts of the island than in certain other parts. The largest number of people live in the Western province, the smallest number in the North-Central province. Generally we can say that the Western, Central, Southern, Sabaragamuwa, and North-Western provinces contain more people than the Northern, Uva, Eastern and North-Central provinces. One way of measuring the distribution of population is to find out the number of people who live in one square mile of territory in a particular province. This is called the density of population. In the Western province there were on the average 1310 persons per square mile in 1946; in the North-Central province only 35 persons lived in one square mile. The density of population in the Western province is therefore much higher than in the North-Central province. If you are interested to know the density of population for each province in Ceylon you can refer to page 72 in the Census of Ceylon 1946, Vol. I.

Since a large number of different groups of people live in our country it will be useful for us to know where these different peoples live. Earlier in this chapter we described the various groups of people living in this country. We noticed that the

Sinhalese form the largest group. The Sinhalese are often divided into two sub-groups: the Low-Country Sinhalese and the Kandyan Sinhalese. Although by habit we divide them in this way there is no racial difference between the two. The difference, if it could be called one, is that the Kandyan Sinhalese generally live in the Central province, while the Low-Country Sinhalese live in the Western, Southern and North-Western provinces. This does not mean that there are no Kandyan Sinhalese in the Western and other provinces or that there are no Low-Country Sinhalese in the Central province. Many traders in the Central province are Low-Country Sinhalese and several public servants in the other provinces are Kandyan Sinhalese. In fact you will find people belonging to all the various groups in all the provinces.

We mentioned how in the thirteenth century the Tamils had an independent kingdom in the North. From that time onwards the Ceylon Tamils have largely been found in the Northern province. The Indian Tamils mainly inhabit the Central and Sabaragamuwa provinces, and are most numerous in the Nuwara Eliya, Badulla and Kandy districts. The Moors live mostly in the Eastern province, but they are also fairly numerous in the North-Western province. There are many of them in the Batticaloa, Trincomalee, Galle, Puttalam and Mannar districts. The Burghers are spread throughout the country; they are to be found in every province and every district, but chiefly in and around Colombo. The Malays live in the Colombo and Kandy districts as a general rule. The other groups are too small for their geographical distribution to be considered, although the Europeans, though small in numbers, have a considerable influence on the affairs of our country.

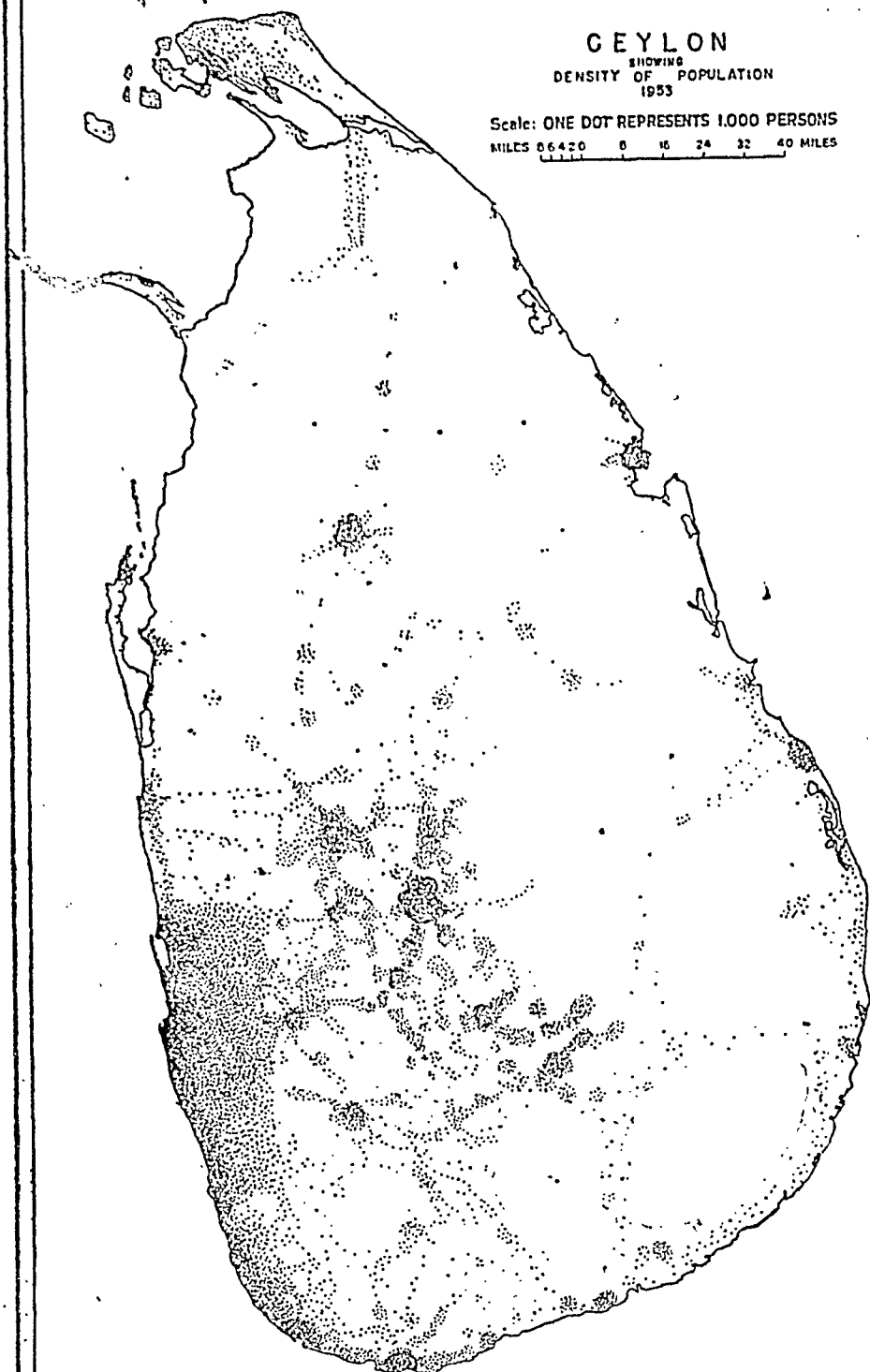
The population of Ceylon has been growing within the last one hundred years. Some historians tell us that Ceylon had a *much* larger population in the time of the Sinhalese kings like Parakrama Bahu than it has now. Since that time, owing to many reasons, the population had declined. When an account of the population was taken in 1871, the total number of people in the country was 2,405,576; it is estimated that in 1821 the population was less than 1,000,000. From about that time, however, the population has been continually increasing. Many factors are responsible for this. Better health measures have reduced the number of deaths so that each year the number of people being born and surviving is greater than the number of people dying. This means that every year more persons are

# CEYLON

SHOWING  
DENSITY OF POPULATION  
1953

Scale: ONE DOT REPRESENTS 1,000 PERSONS

MILES 0 6 12 18 24 30 36 42 48



CARTOGRAPHY BY  
EDMUND V. CHRISTIAN

GEOGRAPHICAL DISTRIBUTION OF POPULATION IN CEYLON

added to our population Till recently people have also been coming from South India to settle down here The government has stopped further mass immigration now but even so immigrant peoples were a net addition to our country

This growth of population has been followed by a small increase in the proportion of people living in cities and towns In 1901, only 11.8% of the people lived in cities and towns, but in 1946, 15.5% did so These people who live in cities and towns are called urban people Those who live in villages are called rural people It is obvious that the vast majority of our people live in the villages Ceylon is largely a rural country, if by that we mean that most of the people live in rural areas

**Rural and Urban Life.** This division of the people into those who live in urban areas and into those who live in rural areas is a very important one Very often the way they earn their living depends on where they live Urban people live in cities and towns and earn their living by urban occupations, rural people living in villages earn their living by rural occupations

Let us try to find out how the rural people of Ceylon live in their villages Generally only a small number of people live in a village In 1946, the average number of persons per village was 283 Of course there are variations In 1937, in the village of Kulupana in the Kalutara district, there were 453 persons, in Mivanapalana the number was 1131 persons, in Bandarahan in the Chilaw district there were 210 persons, in Suruwila 204 persons The number of families also varies from village to village

There are several noteworthy features in village life in Ceylon The family is the unit of society both economically and socially This means that when a person in the village earns an income it is considered part of the family income His expenses, property and debt are also considered as family expenses, property and debt Here money does not enter into economic life so much as it does in the towns A farmer probably gets a good part of his income in kind, e.g. in paddy, and a portion of his expenses are met by giving things in exchange For example, he pays his rent for the land he uses for cultivation in kind—usually paddy In the village, if a person is a labourer, his wages may be paid in kind, e.g. a rubber tapper may get a certain weight of the rubber he helps to produce or a coconut plucker may get his wages in coconuts

Village life is also marked by its high degree of self-sufficiency

Villagers produce things for use in the home rather than for sale. No village, however, can be completely self-sufficient in the modern world. With the development of railways and roads, village people can sell more of their products in the towns and the cities, and they buy many things from the towns; but even so, in the villages the people produce for themselves more of the things they need than people in the towns. The spirit of helping one another is also very marked in village life. People can collect firewood from one another's gardens; cattle graze wherever there is any unfenced grass; a family owning a well will allow other families to draw water from it. Perhaps as a result of this habit and also due to other economic reasons one finds the practice of joint-ownership in the villages. Land, houses, a domestic animal or even a *jak* tree may be owned in common.

These are some of the economic features of the village. Let us find out how a village lives its daily life. Most villages in Ceylon have agriculture as their main occupation. There are several agricultural occupations, the chief of which is paddy growing. In a village you may find that about half the people earn their living by agriculture. Some earn their living by handicrafts; others by trade; yet another group by fishing. This means that in a village you will find farmers, labourers, craftsmen like blacksmiths, carpenters, goldsmiths, boutique-keepers, carters, brick and tile makers, a baker, a headman and several others.

A village farmer cultivates a small plot of land, generally between  $\frac{1}{4}$  and  $1\frac{1}{2}$  acres in area. Very often he does not own the land himself; in that case he rents it out from a person who has more than he can cultivate or from one who does not want to cultivate himself. If he owns the land he does not pay rent; if he does not own the land he generally pays about one half of the produce as rent. The latter is called the 'ande' system. Before the sowing season starts, the farmers let their lands lie in water to make the soil softer. After some time the soil is hoed by means of mammoties, and then the plough is used to turn the soil. When the soil is well prepared the seed paddy is sown broadcast. Often the villager will not have the seed paddy himself. In that case he borrows it from another on the promise of paying the amount back with 50 per cent interest.

The cultivation of paddy requires a great deal of labour. A farmer and his family may not be enough to do all the work. Very often one family is helped by other families in its work and in turn gives its labour when other families need it. The village,

therefore, lives largely on mutual assistance. In a village you may also find some people owning a few acres of rubber or of coconut. Coconut is not grown according to any particular system here, a house may have a few coconut trees in its compound or in the surrounding garden. The coconut is used for a variety of needs such as cooking, thatching, rafters, oil, *poonac*, and so on.

Many coastal villages engage in fishing. Let us see how a fishing village earns its living. In the Chilaw district the fishing season is from October to May. During the rest of the year fisherfolk go to other fishing centres or stay at home to mend the boats and nets. In the fishing season, the fisherfolk go out to sea to fish. There are three types of boats they use. The *theppama* or catamaran is a floating raft made by tying a few logs together, and is used for fishing close to the coast. The *oruwa* is a dug-out canoe in which people can go as far as 20 miles away from the coast. An *oruwa* generally leaves land at dawn and returns before dark. The *pada* boat is a flat-bottomed boat which is used for operating drag-nets near the shore. The fisherfolk do not only fish in the sea, sometimes they catch fresh-water fish also. They engage in selling fish as well as in catching them. We find, however, that most of the selling of fish has now been taken over by *mudalalis*, who have more money to invest in the business. Some of you who read these pages have perhaps seen fishing villages. The dragging of nets is a common sight in the coastal areas of Ceylon during the season. If you have not seen boats coming back with fish or a drag net being unloaded after a catch it is worth your while doing so.

We noticed earlier that about 15 per cent of the people of this country live in urban areas. Some of you who read this book may be in big cities like Colombo, Kandy, Jaffna or Galle. Others may be in towns like Kegalle, Moratuwa or Ratnapura. You have only to look around you and notice what you see to know the way your town or city earns its living. Unlike the villagers, the urban people earn their living in many different occupations. In some of these places you find manual workers in industries like mining, electricity and gas. In Colombo you find a large number of people working at the Colombo harbour. There are also transport workers and engineering workers. In the towns you also find traders, merchants and professional people. In big cities there are a large number of shops and commercial firms where you find shop-assistants or salesmen and clerks. In Colombo, the capital city, are found the big government offices.

where large numbers of public servants work. Lawyers, doctors, accountants and estate agents are some of the professional people who live and work in the cities and the big towns. In the villages, we noticed that practically everyone is a manual worker. In the cities and towns, while some workers depend mainly on physical strength and skill, there are also those who earn their living by brainwork.

We noticed how, in the village, the people produce most of what they want. This is not so in a town or city. Here a person may produce a large quantity of a particular article, all of which he does not want himself. A carpenter may produce beds, tables, chairs and so on, much more than is necessary for his use. He sells what he does not want, which is, after a time, everything he produces. With the money he thus obtains he buys his food, clothing and other necessary things. He depends on the shop-keeper for what he wants to buy; on the bus-companies and the railway for his transport; on various other people for his recreation, education, health services and so on. Some people in the towns do not produce any tangible article for sale: they sell their services. People such as teachers, doctors, lawyers, traders and bankers belong to this group. They earn their wages or salary or income in this way. They also depend on others for most of what they want just as much as the carpenter does. So you see that in a town or a city the people are more dependent on others than in the village.

The people of Ceylon do not live only in the villages and the cities and the towns; a large group of people live on the estates also. In 1946 there were 851,359 persons living on the estates. Of these the Indian Tamils were the largest group and formed 78.2 per cent of the total. The estates of Ceylon consist mainly of tea, rubber and coconut plantations.

Tea plantations are found in the hilly districts of Ceylon, for tea grows best at places about 6,000 feet above sea-level. The tea industry needs a fairly highly skilled labour force. Because of the heavy rainfall in the tea-growing areas, there is a tendency towards soil erosion and this has to be prevented. The tea plant requires careful attention in plucking and pruning. The processes of tea manufacture like withering, rolling, fermenting, drying and sorting leaves need careful control. Plucking is done by women, the heavier work being taken over by the men.

Work on a rubber estate is not heavy but needs great care. The trees have to be protected from root and leaf diseases and tapped gently. The tappers get together before daylight



go out to the part of the estate where the trees are to be tapped. They have to cut the bark of the tree cleanly and collect the latex also in a clean manner. If there is any dirt the quality of the rubber may suffer. The latex is taken quickly to the factory. The manufacturing of rubber is a simple process but again needs great care. The usual type of rubber produced is smoked sheet or crepe.

Coconut estates are largely found in the coastal belt of the west. The cultivation of the coconut is generally not done in a very systematic way. Even so, we find that in good estates the seed nuts are carefully chosen and placed in nurseries for about two years. They are then put out in the plantation in holes three feet deep by two feet wide into which some rich soil has been poured. Good estates also manure the plants regularly. Clean weeding and protection from rats, squirrels, beetles and other enemies are needed for good cultivation. There are six crops a year in a plantation. Nuts for domestic use have their husks removed and are sent without delay for sale. The crop for making copra is sent to a central warehouse or a copra kiln where the nuts are left to dry for a month before being made into copra. The work in a coconut estate, however, is not so heavy as in a tea-estate.

The largest number of estate workers live in the tea and rubber estates and are mainly Indian Tamils. The Indian Tamil workers in these estates live in houses provided by the estates. Estate life begins early in the morning when all the workers assemble to be given their day's work. This work takes them the whole morning and afternoon. Work and pay take different forms. Tea-pluckers are paid according to the amount of tea-leaves they pluck. Ordinary labour is done by means of finishing a definite piece of work during the day. This is called a task. You can now understand how the estate labourers earn their living. Various people have commented on the life in these estates. Some people have argued that the conditions are very reasonable; others argue that they are not. Perhaps there is nothing better than visiting an estate to see for yourself which of the arguments is correct.

**Communities.** All this time we have examined the way the people earn their living in different situations. People earn to live. The way they earn their living is important because they spend a good part of their life in the process. When a group of people live in some definite area or territory and earn their

living in that area, many 'relations' grow up. In a village we saw how people help each other in cultivation. We can say this in another way. We can say that the people in a village are interdependent. It is not only in cultivation that the people in a village are interdependent. They help each other in sickness; they get together at village functions like weddings or funerals. There may be certain other things in the village which the people share in common. For instance there may be a village school or a village temple. There are libraries in certain villages. In some villages there is a place where people can go to listen to the radio or to read books or just to sit and talk to one another. This place is called a community centre. It may also be that the village maintains a playground for children or a place for the grown-up men to play volley-ball.

Since villages have existed for a great many years there are certain ways in which the villagers live. These ways have been followed for so many years that they are called customs. There are very many customs which our people in the villages follow. For instance there are special ways in which one person should greet another. It is a Sinhalese custom to entertain guests with a chew of betel or a cup of tea. When we go to see a relation it is a custom to take some gift for him or her.

As a result of all these things which are mentioned above a group of people may feel that they belong to a particular village or neighbourhood. Very often we find that when a villager meets another man from his own village in a different place, he treats him with greater friendship than someone from another village. It is also because of this feeling of 'togetherness' or 'neighbourhood' that we find that the government has established village committees to look after certain village matters. In short, we find many things which people in villages have in common. They are interdependent in the way that they earn their living, interdependent in their social life, in education and recreation, in custom and in the management of their local affairs. We can therefore call a group of people living like this a *community*.

Just as we can speak of a village community, we can speak of an estate community. The estate workers live together in groups and so have many things in common. Their family life is the result of past tradition. Parents are lenient in some matters and strict in others, e.g. marriage. In many ways they are like the Sinhalese: they are religious, they read horoscopes and fix auspicious times for most of the things they do. Yet they are different in language, religion and several customs. During

their off-days they like feasting and merry-making. At their feasts they sing and dance. On religious days the *kovil*, or temple, is the centre of everything. With pealing bells and other music they perform their religious ceremonies. In many matters such as family life, social functions, religious ceremonies, customs and work, the estate workers share a common life.

A village community or an estate community is very simple to notice and to explain. People living in a town or a city may also be called a community. Let us take a big city like Colombo. Even here the people are interdependent for many things. Firstly they have to look after their local affairs—certain roads, water supply, gas, drainage and so on. If the city is not clean all the people may contract diseases. If the transport system is bad all the city people may be inconvenienced. There are many things which people in Colombo enjoy in common. There is Victoria Park, there is the Museum, there is the Public Library, there are a number of beautiful roads with shady trees on either side. The people of Colombo feel as if they all belong to a community. This does not mean that every one of them has the same interests. There may be small groupings within the bigger community of the city. The workers in Kolonnawa have different interests from the people of Bambalapitiya. Even so, the sense of belonging to the community of Colombo is to be found. Perhaps it may surprise you to know that even in a big city like Greater London, which has a population bigger than that of the whole of Ceylon, the sense of belonging to a community is there.

From this example alone you can learn that the sense of belonging to a community is not confined to small groups of people. Large groups of people may have that sense too. It may be that a person feels that he belongs to his village, town or estate community and also to his country. In the village community his feeling of neighbourhood is experienced in the day to-day life he leads. Yet he feels that his country is also one large community, even though this idea or feeling may not be felt by him in his everyday life.

**The Nation** This is because, to take our own case, we know that all of us in Ceylon have many things in common. We live in a definite area which we know belongs to us. We have a common past—we have suffered invasions and have been defeated by the invaders. We have in our turn defeated the invaders and driven them out. We remember with pride our great past—our

capable ancestors, who built the vast irrigation channels, the great palaces ; we remember our great kings like Dutugemunu and Parakrama Bahu ; we remember just kings like Elara. We remember the great battles fought with foreign invaders ; the Kandyan Convention when we agreed to British supremacy over our island. We now remember February 4th, 1948, as the day we received Dominion status.

All of us also are affected by the economic conditions of our country. If our country grows richer it is good for all of us ; if it becomes poorer all of us have to suffer. When the prices of the tea, rubber and coconut which we sell abroad to other countries go up, we all benefit ; but if they go down, we become poorer. Since all of us are affected in common, we say we have common economic interests.

Not only have we a common territory, a common past and common economic interests, but also a common desire to live together. Because we have this desire to live together we have formed ourselves into a big association to look after our affairs. This association is called a State. A State is an association which has a great many powers to manage the affairs of the people, and it has a great many duties too. Later on in this book you will read more about this association called a State. All these things make us a bigger community than a village or a town or a city. We belong to one *nation*. What we have mentioned earlier are the things that matter in welding us into a nation. There are other things which might be useful if we had them, but certainly they are not important enough to break up our nation because we do not have them.

One of these things is to have a common racial origin. In Ceylon we do not have that. Nor do the people of Britain or the U.S.A. or Switzerland. In Britain you find people descended from the Celts, Angles, Saxons, Danes and French. In the U.S.A. you find practically all the races that live in this world. In Switzerland you find Germans, French and Italians. Even so, these countries are nations. So are we a nation. Some people argue that it is a good thing for a nation to have a single language. Yet there are many nations without a common language. In Canada there are two languages : English and French ; in Switzerland there are three languages : German, French and Italian. In Ceylon we have at present three main languages : Sinhalese, Tamil and English. Differences in language do not prevent us from being a nation, although a single language would certainly be a great advantage.

We have learnt so far that our nation consists of diverse peoples with different religions, living in communities, rural, urban and estate, and earning their living in a variety of ways. There is one thing, however, that we must not forget. Our nation was not built in a day. It bears the imprint of some 2,500 years of history during the course of which many changes and developments took place. When King Devanam Piya Tissa came to the throne, Ceylon was a country with a small population most of whom lived in what is today the North-Central Province and in settlements on the Southern coast near river valleys. It was during his reign that Buddhism was first introduced to Ceylon and laid the foundations of a civilization of which we can rightly be proud.

**Feudal Ceylon.** From the time of Devanam Piya Tissa to the arrival of the British in 1796—a period of over 2,000 years—Ceylon was subject to periodic invasions: in the earlier centuries the invaders were from South India, while in the modern period the maritime provinces were conquered and administered first by the Portuguese and then by the Dutch. Ceylon also maintained commercial and cultural contacts with other Eastern and Western peoples. In these years the economic, social and political life of our people did not remain completely static. Yet in spite of changes, some important and some not, the basic features of Ceylon's economic, social and political life remained comparatively the same. Taken together, it is not wrong to say that these were the features of what we may call a 'feudal society'. The great majority of the people lived in villages, producing their own food, clothing and shelter, and depending little on other parts of the country. Agriculture was the basic occupation. It was carried out and organized in a manner which we now associate with what is called *feudalism*. Since agriculture was the chief means of livelihood, land was the chief source of wealth. The way land was held varied to some extent during these 2,000 years. The idea of ownership was perhaps not the same in the early years as it was in the Kandyan period. Even so, during the more recent past before the arrival of the British, the position was somewhat as follows. In theory the king was the owner of the entire land in the kingdom. The king gave portions of land to those who served him in various capacities. The services which the king required varied from assistance in governing the country to small household duties. To those who performed each kind of service land was given in various proportions.

The chiefs who helped him govern the country were made rulers of large provinces or districts. Others were given smaller lots according to the service performed.

The chiefs in turn required services for themselves both for private convenience and for public affairs, and they in their turn gave portions of land to those who performed these services. In fact this was the general pattern throughout the country. Temples and *devalas* as much as the government itself depended on services rendered in return for land given. Depending on the person or group of persons for whose benefit the service was performed, the land given bore different names. Some was called *nindagam*, other kinds *devalagam* and *viharagam*. Apart from services rendered in return for lands held, the people also had to perform certain general services to the state, such as repair and maintenance of the paths and bridges in their districts. Essentially, therefore, the people produced their own food, clothing and shelter. Land was the source from which practically everything else could be obtained. For the right of holding the land the people rendered services to the king, chiefs, landlords, temples or *devalas* as the case might be.

Even so, it is not correct to say that the people lived an entirely self-sufficient life; they did not produce everything they wanted by themselves, and there was a certain amount of trade both within the country and with other countries. Internal trade was more often carried out by exchanging goods or services for goods or services. Although coins and the use of money were known quite early, they entered very little into economic life. Trade with other countries was largely concerned with cinnamon, precious stones and elephants. It was, however, very small compared to modern trade.

We have seen that this way of living was practised for over 2,000 years with little change of real significance. When we realize how life in modern Ceylon is changing, we can appreciate how static life in these years must have been. This was mainly because that system was, generally speaking, the one which satisfied the economic needs of the people in relation to the control they had over nature and in relation to their state of knowledge in regard to producing the things they wanted. When the way they earned their living remained almost unchanged, their rules of conduct in relation to one another also changed very little. These rules were, of course, mostly not written down. They were rules which the people followed because experience showed that to break them would bring about a lack of order among the

people. They were also followed because they had been obeyed for generations : they were what we may call customs. Custom, then, ordered the life of the people, which was largely unchanging.

The various groups of people living in Ceylon each performed their functions according to the rules of custom. There was a customary way of cultivating land, of performing services for the land, of giving services to the State, and of behaving towards members of the same group and towards members of another group. In Ceylon, for instance, most of the people could be divided into groups according to the work they did. The majority were farmers ; some were craftsmen like blacksmiths, goldsmiths, carpenters, masons, etc. ; some others were fisherfolk. Some performed certain duties like washing clothes or beating drums ; others were potters, herdsmen and so on. The duties of the members of the various groups were fixed by custom. This means that they were expected by the rest of the people to carry out certain functions. Their rights were also fixed by custom. In other words, they knew how the rest of the people should behave towards them, depending on the groups to which they belonged.

Largely owing to the economic functions attached to each group, but partly also owing to the influence of Hinduism, this grouping became what we call the caste system. In Ceylon, therefore, there were a number of castes, and persons belonging to each caste had certain duties and rights fixed by custom. Usually, persons belonging to a particular caste tended to live together in units. For instance, in a particular village there would often be only persons belonging to a particular caste. By living together, by having similar functions to perform and similar rights and duties, caste-groups living in areas became communities. In pre-modern Ceylon, community living and caste very often coincided. The caste system remained for so long because it helped to maintain the feudal society of Ceylon. It was Ceylon society's way of maintaining itself.

The caste system meant that persons belonging to a particular caste lived a special group life. Everyone was born to a caste, and a person could not change his caste. Once he was born to a caste, custom saw to it that he performed certain functions and occupied a known, regulated place in the society. A craftsman's son became a craftsman ; a farmer's son became a farmer. Persons belonging to a particular caste generally did not eat with or marry persons belonging to another caste. Inter-caste

marriage, especially, would have broken that caste-order which was important in keeping the pattern of society unchanged.

So far we have seen how the economic and social life of the people of Ceylon in the pre-modern period was essentially feudal. The way the people were governed, also, was feudal rather than democratic. At the head of the government was the king. He followed the customs of the country and tried to maintain them, since the people might have opposed a king who broke the customs too frequently.

The king could not govern the country by himself, so he received the assistance of chiefs. The king quite often acted on the advice of these chiefs assembled in council. The king's chiefs were also in charge of the administration of the provinces, subject to his ultimate control. Just as the king was assisted by his council, the provincial or village government was assisted by various *sabhas*. These councils were of course not elected by the vote of the people as they are today; in the villages the *gam sabhas*, for instance, were usually composed of the heads of families. Thus, although there was no democracy as we know it today, representative institutions were common.

The economic, social and political conditions in Ceylon were feudal during these years. They remained so because little happened to make the people want to change them. During that period of over 2,000 years the people, generally speaking, earned their living in the same way, followed the same rules of conduct, and were governed in about the same way.

The rules of conduct the people followed were, as we noticed earlier, maintained largely by the force of custom. These rules laid down the people's rights and duties. In modern Ceylon we think that the ordinary people should have more rights than they had in the old days. We will see why this is later on. Before we can do so we must know what those rights were and why after 2,000 years the people became dissatisfied with them.

Today, when we think of a country, we think of it as consisting of a number of people living as a community—large or small. In other words, the individual person is thought of as the unit. In old Ceylon, the family was considered the unit in the community. Families belonged to castes, and the rights and duties of the persons who made up the families depended on the caste they belonged to. Some castes were considered higher than others and the persons belonging to higher castes had more rights than those belonging to lower castes. All persons therefore did not have equal rights. 'Justice' did not consist in giving every



person a minimum of equal rights, as we believe it does in modern society, but of maintaining the unequal rights of the different groups of people

Nor did the people have the freedom to choose how they wished to live their private lives. A person could not choose to do any work other than that which custom fixed for him as a result of his birth in a particular caste. He could not marry anyone outside his caste, and marriages took place according to the usual customs. No person could rise above the station that birth gave him because custom and society prevented him from doing so. Of course, in those days, most of the people were content to follow the work of the castes they belonged to, marry according to custom and live in the station their birth gave them. Even so, those personal and civic freedoms which we value today, and which will be discussed in detail later on, were absent at that time.

Nor did the people have political freedom. They could not control the government as they wished, they could not elect or reject the government by peaceful means. When kings became tyrants or continuously violated custom, the people rebelled and overthrew them. Usually, however, the people were not interested in the king's government but paid the taxes or performed the services and let the chiefs and the king do much as they wished. *Changes in the occupancy of the throne* were usually the result of normal succession, foreign invasions or palace intrigues.

**The Break-up of Feudalism.** Since the arrival of the British, however, many things have happened to change most of this state of affairs. One of the most important things that took place soon after the arrival of the British was a significant change in the way the people earned their living. Whereas formerly the people were engaged in farming and handicraft industries to satisfy their basic needs, the British encouraged them to take up the cultivation of crops which did not satisfy their own basic needs but which could be sold abroad for money out of which other things that were not produced could be bought. First coffee, then tea and finally rubber estates made their appearance. Once these crops were grown, they had to be brought to Colombo for shipping abroad, hence the need for roads and railways. The more roads and railways the country had, the greater the number of people needed for working them. In addition to working at the production of new money-bringing

crops, there were thus new occupations such as transport. With the change in the way the people earned their living many other occupations came into being. Some people became contractors, some doctors and lawyers, and some became teachers in the new English schools that were being established. We can see, then, how new ways of earning a living were made available to the people.

In the earlier period, we noticed, the services the people rendered were paid for by granting lands. This practice could no longer be continued. The new occupations paid money as wages or gave profits as income. Money came more and more into the economic life of the people. Many of them worked for money and bought what they wanted with their wages. In the new situation the old system of compelling people to give free services to the state was considered to be out of place. So the old system, known as *rajakariya*, was abolished.

With new occupations, with money entering into daily life, with *rajakariya* abolished and with western education spreading, the old customs were soon found to be inadequate. Where the old system continued in any degree, to that extent the old customs remained and the people did not object. Where the circumstances had changed, the people gradually gave up following the old customs and new habits and new ideas developed. Many of the features of the caste system, for instance, disappeared.

The effect of the new developments was felt in the system of government also. So long as society was largely unchanged and long-standing custom regulated every aspect of life including the powers and duties of kingship, the people bothered little about government; but when the whole system changed rapidly, so that old customs disappeared and new habits could not yet obtain the sanctity of age, the people looked to the government to bring about order. The more educated people expressed a desire, however gradual it may have been, to be associated with the government in this task. At first led by the educated people, a movement grew up which demanded the transfer of government to Ceylonese hands, while the people themselves realized that only if the government depended on their goodwill would it try to help them.

With new opportunities for earning their living, with new ideas about government, the people also developed new ideas about personal rights. Many thought that people should be considered as individuals irrespective of caste and that rights should be given to them equally. In other words, democratic ideas gradually spread among our people.

Yet none of these things spread throughout the country evenly. Where the old economic system remained almost unchanged, as in certain village areas, the old ideas also remained to a large degree. Even today, in the less developed areas, the idea of caste has not been given up, whereas in others it is fast disappearing. The changes which took place during the British period broke up the old 'feudal' system in parts and in unequal degree. This is the reason why we come across parts of the old system and parts of the new changes jostling one another in our country today. We have seen evidence of this in the village communities which we considered earlier.

Even so, Ceylon today is in many ways different from what it was in the pre-British period of our history. We shall see this in greater detail when we proceed to learn about the way we earn our living, about how the people think we should be governed, about the way we gradually won control of our government, about how we govern ourselves, and about our relations with other peoples of the world. Then, also, we shall be able to have an idea, brief though this may be, of all that is involved in being citizens of our country.

## CHAPTER II

# THE WAY WE EARN OUR LIVING

THE life of a people depends to a large extent on the way they earn their living. We noticed, for instance, in the last chapter how the sense of neighbourhood and the sense of community, in the villages, in the towns and cities and in the estates, depend in large measure on the way these groups earn their living.

The most important thing about earning our living, which we often tend to forget, is that it has to be *earned*. Food, clothing and shelter do not come to us as free gifts of nature. People have to work to win them from nature. In a modern society, the work of obtaining food, clothing and shelter takes many different forms. Nevertheless, if we do not work, we shall not be able to earn our living.

**The Working Population.** In no country can every single person engage in the work of earning a living. Some are children, some are sick or maimed and others are too old to work. Those who work therefore have to earn a living for those who do not as well as for themselves. When we consider how the people of Ceylon earn their living, we must first find the number of people living in Ceylon and how many of these people are working to produce food, clothing and shelter. According to the 1946 Census\* there was in Ceylon a population of just over 6½ million people, distributed as follows :

TABLE I  
Population of Ceylon in 1946

<i>Age groups</i>		<i>Percentage of total</i>	<i>Numbers in each age group</i>
0-4 years	..	12.9	861,439
5-14 years	..	24.3	1,617,005
15-59 years	..	57.4	3,818,949
69 and over	..	5.4	359,946
TOTAL	..	100	6,657,339*

From this table we can see not only the total number of the population but the percentages of the people in different age groups. This dividing of the population into different age

\*The population of Ceylon according to the 1953 Census was 8,098,637. We have used 1946 Census figures as all the detailed figures for 1953 are not yet available.

groups is useful as we can judge the numbers of people who are either too young or too old to be working as compared with the number of people who are of an age to go to work.

Children up to the age of 5 years are generally too young to be attending school and too young to be earning a living. Most of the children between the ages of 5 and 14 ought to be at school. People between the ages of 15 and 59 are said to be of working age. People of 60 and over are at the age of retirement. Since the children up to the age of 5 years are too young to earn their living, they have to be fed, dressed and housed at older people's expense. Children between the ages of 5 and 14 should all be going to school, although we find that in Ceylon only 73.9 per cent are in fact doing so. The other children do not go to school either because their parents are too poor to send them or because they are useful in helping in the house, or else they are helping to feed the family by working in the fields, or are earning their own living by working as domestic servants. Sometimes, of course, it is because the children are deaf, blind or crippled, or simply do not want to go to school. Even though over a quarter of the children of school-going age do not attend school, not all of these children are helping to earn their living. Even fewer of them work hard enough to earn their own keep. We can say, therefore, that most children of school-going age are dependent on other people for their food, clothing and shelter.

People between the ages of 15 and 59 are considered to be of working age. Most people by the time they have reached 15 years of age have left school and are either working or looking for work. By the time they reach 60 years of age they are generally too weak and inefficient to be kept in work and by that age many people have retired. People of 60 years and over form 5.4 per cent of the total population. It is true that some of these people go out to work, but most of them do not, they are either living on their pensions or being supported by their grown-up children. So we can say that children and old people, who together form about two-fifths of the population and who are unable to earn their own living, are supported by those people in the rest of the population who are working.

Not all people between the ages of 15 and 59, however, are actually working or working full time. Sometimes they are too ill to work, sometimes they are unemployed, sometimes they are not able to get a full day's work, and sometimes they are still going to school or training college or University. Again, of all

those who are working, not all are said to be working gainfully. Housewives may be working very much harder than their husbands at their place of work, but they are not gainfully occupied. By this we mean that they are not doing work for which they receive an income. Although some women are teachers, nurses, stenographers, tea-pluckers, street-sweepers, etc., most women stay at home and look after the house and children. In fact we find that only 39 per cent, or approximately two-fifths, of the population is gainfully occupied and so supports itself and the rest of the population. Therefore, on the average, two workers have to support themselves and three other people. It is important to note, therefore, that roughly the living of five people will depend on the work of only two people. We can see, then, that if for some reason there is suddenly a great deal of unemployment in the country, not only will the people who have lost their means of livelihood suffer, but the people who are dependent on them as well.

If we look at the percentages in Table I again, we notice that there are not many old people in the population, while there are a great number of children. We see that over one-third of the population is under the age of 15 years but only 57.4 per cent between the ages of 15 and 59. Thus the proportion of children to adults is greater in Ceylon than in many more developed countries such as Britain. This is due to the fact that though each year many children are born, also each year there are a great number of people who die young. In Western countries people generally live longer than people in Ceylon, because they have much better food, clothing, housing and medical services. So we find that, instead of our people dying in their old age, many of them die during their childhood and working life. Therefore they die before they have given, or given in full, their work in return for what they received as children. This means that there will be fewer people in the total population working to support those people who cannot support themselves. The bigger the proportion of children in the population, the bigger is the burden on the people who are working.

Ceylon has a high birth rate and a fairly low death rate, so that the population is increasing. This means that more houses, food and clothing need to be obtained for this increase in population. It will also mean that those people who work will either have to work harder and produce more to feed the increased numbers of children, or else they will have to divide the little they get among more people. It is not easy to produce more

food and other necessities rapidly in Ceylon, so at the moment more people are having to share the goods and services produced, with the result that people are getting less than they did in earlier years. If we want our people to get more than they are receiving now, then either the production of goods and services must increase more than in proportion to the increase in population, or the goods and services must increase while the population does not.

So far we have seen that, because of childhood, sickness and old age, and for reasons of inability to find work, or full time work, or for reasons of not being gainfully occupied, only about four out of ten people are actually engaged in the tasks of earning. These four persons have to look after themselves as well as the other six. Let us now see how these gainfully occupied persons work.

Out of the total number of people going to work, we find that about 64 per cent are working in agriculture, fishing, forestry and industry. These people are either producing things like paddy or tea or are catching fish or mining plumbago or quarrying stone, etc. We can say, therefore, that they are engaged in physical production. We find that 21 per cent of the working population get their livelihood from trade, transport and banking. This one-fifth of the working population is engaged in transporting food and other commodities from the villages and towns and from the port of Colombo to those places where they are needed. They are also engaged in selling these things in shops and boutiques and on the pavements. Some of the people in this group are working to bring the rubber, tea, coconut and plumbago from the estates and mines to the port of Colombo, from where they can be sent abroad. Others help people to move about from place to place. The people who work in banks also help trade by doing such things as lending money and keeping large sums of money safe. We find that the rest of the working population, i.e. about 15 per cent, are working as government servants, doctors, lawyers, teachers, soldiers and domestic servants, and in other such occupations which look after the welfare of the people. This group is said to be engaged in service occupations.

TABLE II

*Distribution of working population among major occupation groups*

*Physical production occupations*

*Agriculture, fishing, forestry*

*Industry*

53 per cent

11 per cent

*Distributive occupations*

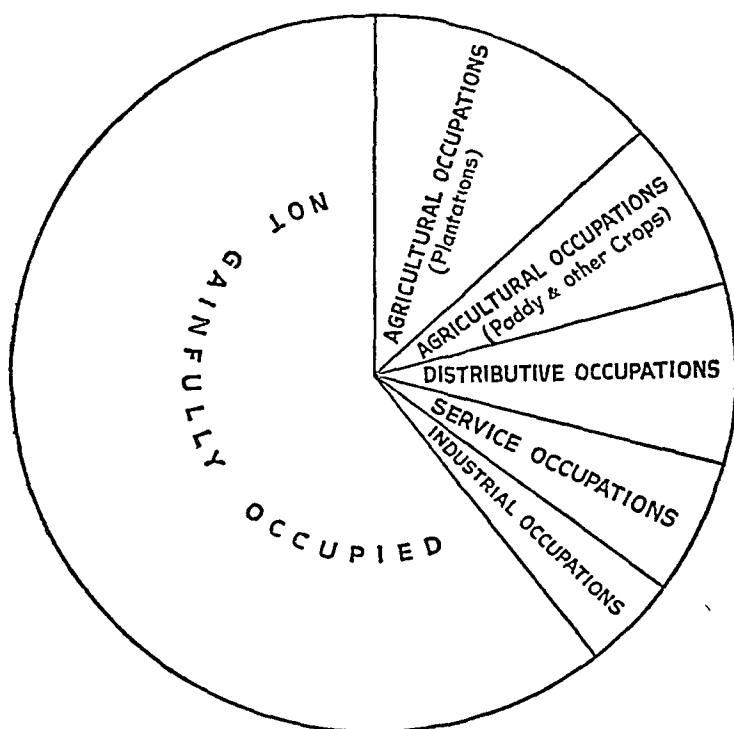
Trade, transport, banking

.. 21 per cent

*Service occupations*Civil service, medicine, police, education,  
domestic service, etc.

.. 15 per cent

Although most people who are working are engaged in physical production, the proportion of the working population so engaged is smaller than what it was 25 years ago. More people are finding work in trade and transport and even more in service occupations. It is to be expected that more and more people will

**DISTRIBUTION OF OCCUPATIONS (1946)**

become doctors and teachers and so on, since our country does not have enough of them. As the work of the government expands so does the number of people working for the government, for example irrigation engineers. The largest group of people working in service occupations is, however, composed of domestic servants. As the country gets richer and the people more educated we will find that fewer people will be working as domestic servants because often people work as domestic servants only



when they cannot find any other work. Often they would prefer to work in offices or in factories rather than in other people's houses. In countries with a much higher standard of living such as Britain and the U S A there are few people who work as domestic servants, because they can find other work to do. As our country becomes more developed we should find that there will be more doctors, nurses, teachers, dentists and people working in other such useful occupations and fewer people working as domestic servants.

Since the food and other necessities that we get depend to a great extent on the work of the people who are engaged in physical production, we must examine just what these people are doing. Just over half of the people who are gainfully employed (53 per cent) are working in agriculture, fishing and forestry. Only a small proportion, in fact only 3 per cent, of this group are working in hunting, fishing and forestry. All the rest are engaged in agriculture. Of those people working in agriculture almost three fifths are working at producing special crops such as tea, rubber, coconut, tobacco, cinnamon and citronella while the rest are producing paddy and other grains, vegetables and livestock. So of every ten people working in agriculture, six are producing special crops, most of which are sold to other countries, but only four are working at producing the basic food crops for the country.

**Farming** We noticed that only four persons in ten of those engaged in agriculture are producing paddy, vegetables and livestock. Only about half of these people are growing paddy as their main crop and only about one person in seven is growing vegetables as his main crop. Most of the rest are occupied in growing what food they can but not in producing any one special crop. Most of the people engaged in livestock farming raise cattle and buffaloes. Of course the people growing paddy as their main crop also grow other things if they get the chance. They may keep chickens or grow a few vegetables or have a coconut tree, but their main occupation is growing paddy.

Why is it that only about four persons in every ten working in agriculture are working at producing basic food requirements while the other six are for the most part producing rubber, tea, coconut, etc? Are we producing so much food for our own needs that we can grow these other things? When we examine the situation we find that we have to buy a lot of our food, especially rice, from foreign countries. In fact, we grow less

than half of the paddy we require and have to bring the rest from other countries.\*

One of the reasons for this state of affairs is the coming of the plantations. We noticed in the first chapter that the coming of the plantations was the greatest single cause of the change in the way we earn our living. Later we shall see that plantations play an important part in our economic life, contributing a great deal to the income of our country. Nevertheless, the fact that plantations need land, labour and other resources has meant that ours has become largely a commercial agriculture rather than a subsistence agriculture. This means that the greater part of the people are not engaged in producing the food we need. Let us see how the coming of the plantations brought this about. Before Ceylon came wholly under the control of the British, many of the present estate lands, especially the tea lands in the Central Province, were *chenas* and forests. The *chenas* and forests were essential for the well-being of the villages. The *chenas* were not cultivated every year but every few years. The forests were not only necessary for timber and for grazing cattle but to stop soil erosion, landslips and floods. When there are torrential down-pours of rain the leaves of the trees prevent the rain from hitting the earth with force. The roots of the trees also will keep most of the earth firm when the rains fall on the sloping sides of hills. When a lot of rain falls heavily on to the unprotected earth it churns up the earth so that there is a lot of mud. If this unprotected land is on a slope the rains will wash away the top-soil which is valuable for growing plants, and if there is enough rain the water coming down the hill will form into streamlets and rush to join the rivers, perhaps causing floods. Floods not only lead to loss of life and destruction of homes but destroy crops and wash away the top-soil.

Thus although villages, especially in the hill district, sometimes occupied only a small area, the forests were essential to their way of life by protecting the soil, so the people were careful not to cut them down. *Chenas* were a means of utilizing less suitable land for cultivation. In 1840, the Crown Lands Ordinance came into operation. It said that all forests, waste, unoccupied or uncultivated land was presumed to be the property of the Crown, until the contrary was proved. In other words, unless the villager could prove that the *chenas* and forests were

\* The Report of the Director of Food Production for 1953 states that in 1952 Ceylon produced 49% of the paddy requirements calculated according to the present ration.

legally his, they belonged to the government. How could the villager hope to prove they were his? He rarely spoke or understood English, he could not afford to have a lawyer to act for him, and above all where was the proof that the government needed? It was difficult to prove that the *chena* land belonged to any villager, and who could say that they owned the forests? Therefore much land passed under the control of the government, which sold most of it to British planters. The situation was made worse by the Waste Lands Ordinance of 1897 which said that whenever it appeared to the Government Agent of the district that any land situated within his province or district was forest, *chena*, waste or unoccupied, he was empowered by issue of a notice to compel any claimant to appear before him and prove his title, in default of which the land would be declared the property of the Crown. Any villager if asked to prove his claim to his land might find it difficult or even impossible. So two things happened. Firstly a lot of land became plantation land growing tea and rubber. Secondly a number of villagers held less land than formerly through loss of *chena* and forest and they had no opportunity of increasing their holdings of land if their numbers increased.

As plantations developed many villagers in the upcountry became landless or were left with little land, and they could not grow enough for their needs. The easy way out of this situation was either to get into debt or to live by selling the little land they held. If a villager got deeply into debt he had, in any case, no alternative but to sell his land to get out of debt. In either case many of the villagers were compelled to sell all or most of their land.

It was also the practice in Ceylon to divide a dead person's property equally amongst his heirs. So long as the population did not grow fast and so long as there was enough land for every one, this had no ill effects. But when the amount of land available to the villagers either became fixed or less than before, the growing population resulted in smaller and smaller lots of land becoming available to families in succeeding generations. The villagers of the succeeding generations therefore had even less land than their predecessors and were more liable to get into debt and sell their land. This is how the plantations were responsible, though in a negative way, for creating landless villagers, and villagers with not enough land, in the upcountry districts, but it must be said that the increasing population and the laws of inheritance contributed to a similar process in other parts of the island where there were no plantations.

When villagers do not have land of their own, they have to find a means of livelihood in other ways. The coming of the plantations, though it took away the land, created new ways of earning a living. Some of the landless could find work on the plantations or in the new types of work that the plantations brought. For instance, people were needed to build roads to transport the crops from the plantations to the ports, and people were also needed to transport the goods along the roads. People were needed to cultivate the new crops, for tea especially requires careful and constant attention. When the tea plantations came into being, however, the Kandyan Sinhalese were unwilling to work in them. They preferred whenever possible to cultivate for themselves. The Kandyans had been used to a fairly comfortable life without too much hard work, cultivating land of their own. Now they were asked to do a different kind of work which they did not like on the plantations of other men for low wages and with little leisure. They tried to live as far as possible the life they had always led with all their old customs and independence. Therefore the tea planters, having plantations and hardly anybody to work them, imported South Indian labourers, while most of the Kandyans stayed on the land that was left to them and a few migrated to the Low Country. Rubber and coconut are not cultivated at very high altitudes and do not require a great number of hardworking labourers, so Ceylonese labour was often available. As time went on, some of the Low Country Ceylonese with better education and greater experience of Western ways were able to engage in government work or in plantations or in the various types of work that grew up as a result of the plantations. The Kandyans, however, rarely got the same opportunities for education as some of the Low Country Sinhalese, Burghers and Tamils. But even though some Ceylonese got employment either in government service or through the plantations, there were still a large number without work of this kind and without land. Some continued their traditional occupations such as pot-making and coir rope-making, etc. Some became farm labourers, working for men who had too much land for themselves to work or who were too well off to have to work themselves. Large numbers became domestic servants. Some people rented land from others in their village for paddy cultivation.

Of course these changes did not take place all at once. At first the people who worked at agriculture were not too badly off after the plantations came, because although their holdings of

land could not be increased and they lost some of their land, the population did not increase immediately. As the population increased, however, there were more and more people having to get their living from the same amount of land. Owing to the cutting down of forests, even this land was not always as productive as it had been because of soil erosion and floods. Those who could find reasonable work elsewhere often left the land, but a great many were left to get their living from the soil whether they owned the land or not. When we come to present-day Ceylon we find that many people who are getting their living as agriculturists either do not own land or have pitifully small holdings. In a survey carried out in 1950 it was estimated that 26.3 per cent, i.e. over a quarter of the families engaged in agriculture, held no land.

TABLE III

Size of land holdings of families engaged in agriculture in 1950

<i>Land holdings</i>	<i>Percentage of total families</i>
No land	26.3
Less than $\frac{1}{2}$ acre	42.3
Less than 1 acre	54.1
Less than 2 acres	69.1
Less than 3 acres	75.1
Less than 4 acres	84.1
Less than 5 acres	88.2

(Sessional Paper XIII of 1952)

From Table III it can be seen that over half of the families engaged in agriculture have holdings of less than one acre and most of these have holdings of less than half an acre. With present methods of cultivation, these people are not able to get a living from their small plots of land, so when they get the opportunity they are forced to take land on rent.

So far we have learnt that of the people who engage in agriculture only two in five are occupied in producing food such as rice, vegetables and livestock. We noticed that these people only produce about half of the rice that the country needs. Two of the reasons for this were the coming of the plantations which reduced the land available for cultivation, and the increase of population.

There is also another important reason for this. Since most of the villagers do not have land or enough land, they have to rent land for cultivation. The important point about renting land in Ceylon is the high rent that has to be paid to the owner of the

land. The higher the rent, the smaller is the share the cultivator gets. Very often, it is only by giving the cultivator an increased share when he works hard that he can be persuaded to work hard. The way lands are rented out in Ceylon, unfortunately, does not give the cultivator sufficient incentive to work hard enough to produce more food. Let us see, then, the way in which land is rented out in Ceylon and its effects on the economy.

Probably the best-known way of renting land is by the 'ande' system, which has been altered to some extent by the Paddy Lands Act of 1953. Here the land is let out for 6- or 12-month periods only. The rent is generally half the crop when it is harvested, and sometimes also half the hay. Sometimes the landlord supplies his tenant with all or part of the seed paddy required for the sowing; the landlord expects the same quantity of seed back at the harvest plus half as much again as his charge for the loan of the paddy seed. Also, in certain districts, the landlord supplies half the manure; this is sometimes free, but often it has to be paid for in paddy. Sometimes a payment of *madaran* (pre-payment) is made by the tenant in order to get the land, in addition to the normal payment at harvest time. This payment to get the land arose because, as the population was increasing, there were more and more people wanting the same pieces of land. Therefore many people were willing to pay the owner something for letting them have the opportunity of cultivating the land, and the highest bidders got the land. The farmers either use their own buffaloes or hire them from people in the same village or nearby villages. These other people have to be paid, too. If there are too few buffaloes in the district, they will have to be brought from other districts and will therefore be dearer than those hired from the same village.

Let us look at the result of this system. The farmer knows as soon as he takes his land on rent that half of the crop will go to the landowner for the rent of the land. Then he has to pay for seed paddy and manure, and pay extra because he is not paying for them immediately. The yield of rice got from the paddy fields of Ceylon is one of the lowest in the world; obviously the yield could be increased. Supposing by his own efforts the farmer improved his yield by using more manure and transplanting, how much of the benefit would he get? As the quantity increases, so will the amount the landlord gets. If, by his hard work, the farmer produced four more bushels, then two bushels will immediately go to the landowner though he has done

nothing to increase the yield. Also, if the landowner thinks the land can always be made to produce more, he may charge a higher *madaran* in future, so that the farmer may get very little or no return for his extra effort. The Paddy Lands Act of 1953 attempts to remove these evil features. In those areas where it is in operation the landlord has to rent the land to the farmer for not less than five years. Of course, if the farmer does not pay his rent, or does not cultivate his land, or tries to cheat the landlord by saying he got less paddy from the land than he actually did, then the landowner has a right to tell the farmer to leave his land. However, it is not left to the landlord to decide whether his tenant is a bad tenant or not. The landlord has to get the written permission of the Government Agent or his Assistant before he can eject his tenant. This is quite an important improvement since, if a farmer tries to improve his land by manuring or by other means, he will be on the land long enough to get some of the benefit for himself. Since *madaran* is forbidden by this same law the farmer need not be afraid that he will have to pay a high *madaran* if he wishes to cultivate the same land another time. The same law provides that the government shall state the proportion of paddy to be paid to the landlord as rent. The rates that the government fix will vary from district to district, but they are bound to be much more reasonable than they were. In 1953, however, the Act was not in operation throughout the whole island; the sooner it is applied throughout the country the better it will be for the farmer.

There is another system called the 'fixed return' or 'promise' system, whereby at harvest time the farmer gives up a certain quantity of paddy, whatever the amount he actually harvested. If, for instance, the yield of a certain field is normally 25 bushels, the landowner might expect to be paid 15 bushels of paddy, which leaves the farmer 10 bushels out of every 25 bushels produced. If he is able to produce 30 bushels one year instead of 25, he will have 15 for himself. However, if he produces only 18 bushels instead of the expected 25, he will only have 3 bushels for himself. Sometimes the yield will be low through no fault of the farmer, because of drought or flood for instance, but even so the landlord insists on having his full share. If by any chance the farmer is able to increase his yield the landlord may demand an even bigger rent than before. The people under this system only hold the land for periods of 6 to 12 months.

There are other systems in operation, sometimes found in one

district, sometimes in several districts. In certain districts in Uva, the *aadayam* system can be found. The farmer pays the landlord an amount of paddy which is a multiple of the amount of paddy sown. In the Wellawaya area, for instance, the farmers pay three times the amount of paddy sown and do three days work in the landlord's fields.

In those areas where the Paddy Lands Act is in operation there is greater security for the farmer and the rent he has to pay is more reasonable. Therefore the farmer is given some incentive to improve his land and the opportunity of earning a slightly greater income, with which he can eat more or which he can spend on his land. We should not be too surprised if at first he chooses to eat more, since his standard of living is so low. The Government Agent has to be very careful that the landlord does not make the farmer pay more in secret, either through giving him paddy or through making the farmer or his family work for him.

There is a system of landholding known as *thattumaru* or Joint Ownership. Here the land is not let out, but more than one family own the land. Perhaps two brothers will have half shares in the same small piece of land so that each cultivates it alternately. There is no problem about whom the crop belongs to, so that if one of the brothers takes the trouble to transplant, any increase in yield is totally his. On the other hand, neither brother will attempt to improve the quality of the soil since each is afraid the other will benefit from it. Generally each man will try to get as much out of the soil as possible and put as little as possible back.

Even when considering *chena* land, where vegetables or millet is generally grown, part of the crop goes to the owner, so here again the farmer does not always produce as much as he could.

In trying to find out why the people cultivating the land for paddy and vegetables produce such a small proportion of our needs, we have found that not only do a lot of people not own the land they cultivate but that under the systems by which the majority get their lands on rent, it is to their disadvantage to produce as much paddy as they can since they will either have to pay a higher fixed rent or a higher *madaran*. We have also seen that farmers have too little land to cultivate. From their small plots of ground they manage to scrape a living, but their holdings are too small either to give them a reasonable living or to let them produce as much as is possible from that land.



TABLE IV

## Paddy holdings in Ceylon in 1950

<i>Area</i>	<i>Percentage of total</i>
Less than $\frac{1}{4}$ acre	31.4
$\frac{1}{4}$ to 1 acre	32.9
1 to 2 acres	21.0
2 to 5 acres	11.1
5 to 10 acres	2.6
10 acres and over	1.1
	<hr/> 100.0 <hr/>

(Sessional Paper XIII of 1925)

From Table IV we can see the size of paddy-holdings in Ceylon and that 84 per cent of the paddy holdings are under 2 acres; this means that a very great many families who work paddy holdings have too little land to cultivate, with the result that much labour is going to waste, especially since they generally have little or no other land under cultivation. Sometimes, where it is possible, the farmers go nowadays to help at busy seasons on the estates, but there is nevertheless a great deal of labour wastage. If it were possible to remove about half the number of people engaged in producing Ceylon's food supply from the existing arable land on which they work, we might find that the production of food would remain unaltered. So we are faced with the fact that we are not making the best use of the men, women and children who grow our food, for they could produce more if they had more land. When we come to examine the other conditions under which our agriculture is carried on, we may be surprised that we produce as much of our paddy needs as we do.

We have already seen that both the land-holding system and the size of the holdings are such that we do not make the most use of either our land or our people. Thirdly, the method of farming itself leaves very much to be desired. The farmer often does not use enough manure, partly because he does not wish others to benefit at his expense if he takes land on rent, and partly because he cannot afford it. Because his crop is poor, the farmer cannot afford more manure for his next crop; because he cannot afford manure, his next crop is poor. Another reason is that the farmer still sows broadcast. In other countries, where the paddy yield is much higher, the farmer plants the seed and then transplants the seedlings at regular distances apart. This gives the young seedlings a chance of obtaining the nourish-

ment they need without wasting land, and it also gives them a chance against the weeds. Of course this requires quite a lot of bending and hard work, which explains why farmers are not eager to transplant. Yields are also low because the seed paddy the farmer uses does not always give the highest yields. In Western countries, great attention is paid to the quality of the seed, to ensure that it is the highest yielding seed possible. Tests are often made to see if the seed will grow equally well in different climates and in different soils. The highest yielding seed paddy, when planted in ideal conditions, may be totally unsuited to places where it is too hot or cold, or dry or wet : another strain of paddy may do better in these places. If the farmer used better seed paddy, he should with no more labour get a much higher yield of paddy.

The government of Ceylon is trying to encourage the farmers to use better methods of manuring and transplanting and better qualities of seeds by sending officers to the villages to advise them. The government has its experimental stations, where it tries out different kinds of seeds and methods of growing and manuring, so that it can advise the farmers, but it is a slow business to persuade the farmers to use the new methods. This is partly because they are suspicious and not convinced of the success of the new methods ; partly because their generally poor physique does not dispose them towards the hard work of transplanting ; and partly because they may feel they will get very little benefit from increased yields. Unless the government makes a continued effort to persuade them to change their ways, as things are now, the farmers will not do it themselves as they have neither the money, the energy, the interest nor the knowledge to use these methods to increase their yields.

Some people suggest that other countries get more for their efforts because they have more agricultural machinery. It is true that in Western countries the horse has to a great extent been replaced by the tractor, and that a fair number of operations that used to be done by men are now done by machines. But we must not think that by importing great quantities of machinery we can solve all our problems. In the first place, machinery costs a great deal of money which the country can ill afford, whether the government or the farmer pays. Secondly, the tractors we import cannot go everywhere ; for instance, it would be difficult to use tractors on terraced hillsides. English farmers generally do their own small repairs to machinery, but it is too much to expect the Ceylon farmer to be able to do so for some time

yet, and so tractors might be lying idle for some time awaiting repairs. Tractors are also expensive to maintain and, unlike cattle, give no manure, which is essential for the fields. Since there is no shortage of labour in agriculture we have no need to save labour at the moment. If, however, we could import machinery specially built for paddy cultivation, if the land system were different and farmers cultivated larger holdings, then machinery could increase production. At the present moment, however, we cannot explain the low yield of paddy by the lack of machinery.

Another important cause of the low yield of paddy is the presence of either too much or too little water, and much crop failure is due to this. Sometimes areas are planted with paddy seed and cared for, but then there is a drought, and if there is little or no irrigation the paddy seedlings may wilt and die. On the other hand, there may be too much rain, which cannot drain away, so the paddy rots, or a river may overflow and flood good paddy land, destroying the crop. In Ceylon, about one-fifth of the land is cultivated, one fifth is forest and the rest is waste or scrubland. The forests often serve a useful purpose, but the waste land is lying unused, this is not always because of infertility but because of lack of water, so that we can see that the problem of water in Ceylon is a very great one.

It is clear, therefore, that the small quantities of rice produced cannot be said to be due to the insufficient numbers working at paddy cultivation and the greater numbers working on estates. A bad system of land tenure, joint ownership and the resulting fragmentation of land into small holdings with the resulting wastage of labour, bad methods of farming, bad drainage and inadequate irrigation are together responsible for the low yield of paddy.

TABLE V

Persons gainfully occupied in tea, rubber and coconut

Crop	Numbers	Employers	Employees	Self-employed
Tea	467 713	0 3%	97 1%	2 6%
Rubber	204 210	1 0%	93 0%	6 0%
Coconut	69 683	2 0%	40 0%	58 0%
Tobacco	21 114	0 6%	15 3%	84 1%

(Census 1946)

**Estates.** We noticed earlier that the major part of the people engaged in agriculture work in the plantations. Let us see how these people earn their living. Most of these people are working in tea, rubber and coconut. From Table V we see that by far

the largest number of people in plantations work to produce tea, for the number engaged in tea growing is more than twice the number engaged in rubber. The third biggest user of labour, after rubber, is coconut growing. As can be seen from Table V, there are not many employers in the tea plantations, in fact only 0.3 per cent of the people working in tea are employers. There are few people (2.6 per cent) who cultivate tea plants for themselves. The great majority of people who work on tea estates (97.1 per cent) are working for employers. Tea estates generally employ a lot of people, so that there are few employers as compared with employees. Tea planting is such that it is difficult for a man to grow tea on his own and get it to the required state. Small holdings of tea produce well under half the quantity per acre that estates do and of very much poorer quality.

When we look at the figures for rubber we discover the same tendency as with tea. There are few employers as compared with the number of employees, but there are proportionately more employers in rubber growing than in tea planting. There are also a greater proportion of people 'in business for themselves' in rubber growing (6 per cent), for it is easier for a man to keep a few rubber trees which he can tap himself. Though it requires some skill to tap the rubber, the work does not require such constant care or hard work as tea planting, nor does the making of latex into rubber sheets require such skilled work as the preparing of tea leaves.

On looking at the figures for coconut, we find a very different situation. There is still not a very great proportion of employers (2 per cent) in the coconut industry, but nor do these 2 per cent employ such a very high proportion of the labour in the coconut industry. In fact only 40 per cent of the people engaged in the coconut industry work for employers, while as many as 58 per cent work for themselves. The reason is not far to seek. Although coconut trees require some care to give the best results, they still produce coconuts even if they get very little attention. So

TABLE VI  
Acreage under plantation crops in 1946

<i>Crop</i>	<i>Acreage</i>
Tea	533,646 acres
Rubber	574,522 "
Coconut	920,942 "
Total acreage of tea, rubber and coconut estates of over 20 acres	1,634,069 " (Census 1946)

even lazy or unskilled men can get a living from coconuts so long as they have enough suitable land.

From Table VI, we can see the area of land being cultivated for different plantation crops. We find that the largest area is for coconut, but we should remember that not all coconut is for export, some being for use in Ceylon. As we have noticed, tea, rubber and coconut land is not always estate land, for sometimes a man cultivates a small holding by himself or with the help of a few labourers. This is especially so in the case of rubber, where one man can look after 3 acres, and coconut, where one man can easily look after 10 acres (whereas tea requires about 9 labourers to every 8 acres). We can see from these labour requirements why, although tea occupies the smallest area of land, it employs the most people and why, although coconut occupies the greatest amount of land, it has quite a small labour force.

As we have already seen, not all of this land is in large estates. Even though estates of 20 acres are not very big, as much as one-fifth of the land under plantation crops is in holdings of less than 20 acres. The biggest estates are generally to be found in tea. The reason why tea is generally grown in large holdings is that it requires organization, constant supervision and some machinery.

The estates in 1946 employed a total of 851,359 people, of whom 78.2 per cent were Indian Tamils. The rest, just under a quarter of the estate population, was composed mainly of Sinhalese, more Low Country than Kandyan. The rest were made up from all the other racial groups in Ceylon. Some of the Indian Tamils are the descendants of the people brought over from India by the planters in the nineteenth century when the planters were unable to get local labour. Some are people who have come from India to marry these people, or who are related to them and who want work, and some are people who have entered the country illegally in search of work. More Sinhalese, however, are willing to work on the estates now than in the nineteenth century.

The economic importance of paddy cultivation is that it helps to feed the people. The products of the estates do not help to do so directly, except in the case of coconut. But a good part even of the coconut, and by far the larger part of the tea and rubber, is sold abroad for money, which is in turn used to buy the things we need. The economic importance of the estates therefore depends, generally speaking, on the money they earn for the country.

TABLE VII  
Exports of three major export crops, 1947-53

Year	TEA		RUBBER		COCONUT
	Quantity (million lbs)	Value (million Rs)	Quantity (million lbs)	Value (million Rs)	Value (million Rs)
1947	287	567	182	137	103
1948	296	590	207	143	167
1949	298	650	197	125	190
1950	298	752	265	405	281
1951	305	800	229	581	364
1952	314	723	209	373	254
1953	336	825	217	337	271

From Table VII we see that tea brings in the most money from abroad. In 1953, it brought in Rs 825 million. We can see that the amount of money brought in from abroad has been increasing in the years 1947-1953. The amount of tea that we have been exporting has been going up too. In 1947 we exported 287 million lbs of tea, most of which went to Great Britain, while in 1953 we exported 336 million lbs. In 1951, Rs 581 million was earned by the sale of Ceylon rubber abroad, while only Rs 125 million was earned in 1949. While it is true that we sold more rubber in 1951 than in 1949, that does not wholly account for the increase in the income from rubber. Whereas in 1949 rubber was sold for less than Re 1/- per lb, in 1951 it sold at about Rs 2/50 per lb. In rubber we find that not only does the amount exported and the money earned alter quite a lot from year to year, but also the price per lb at which it is sold.

We saw that the price of tea, the quantity exported and the amount earned went up steadily till 1951, but the price of rubber, the quantity exported and the amount of money earned do not go up or down together. In 1949, more rubber was exported than in 1947 but less money was earned. Let us see why this is so. People's liking for tea does not alter greatly from year to year. The people of Britain like to drink tea, especially Ceylon tea, and they have got used to drinking a certain quantity of tea every day. Ceylon sells tea to other countries, for example the United States of America. Not many people in the U.S.A. drink tea yet, but their number is growing, so Ceylon is able to sell more tea each year. It is true that other countries such as India also sell tea, but many people prefer Ceylon tea. On the other hand, the amount of rubber that countries want can alter from year to year. Rubber is wanted for such things as tractors, aeroplanes, motor cars, bicycles and tennis balls. If for some reason people do not buy as many cars or make so many tractors

and other goods using rubber in one year as they did in the year before, then not so much rubber will be wanted and countries which sell rubber will not be able to sell as much as before. As we know, when shopkeepers cannot sell something they have in stock they are forced to have a 'sale' and reduce the prices: so, when industrialized countries do not want to buy rubber, the sellers of rubber try to tempt the possible buyers by lowering the price. Just as at a sale, the lower prices may tempt people to buy more, but even then the sellers may not be able to sell all they have. Ceylon is unlucky in that, if she does not lower her prices to tempt buyers at such a time, she will be able to sell very little, since if both Malaya and Indonesia, the other two big rubber producers, offer rubber at cheaper prices than the buyers will buy from them and not from Ceylon. On the other hand, if the industrialized countries want a lot more rubber the next year then Ceylon can sell much more at higher prices, just as, during the war, blackmarket rice sold at high prices because people wanted it very much. During 1950 and 1951, Ceylon, Malaya and Indonesia were able to sell all their rubber at much higher prices than usual because the industrialized countries suddenly wanted a great deal of rubber for the Korean war. When these industrialized countries had got all the extra rubber that they needed, their demand for rubber returned to normal and they bought the same amount or even less than usual and prices became much lower. The U.S.A. bought much less because she had also begun to manufacture synthetic (artificial) rubber herself. Although the price of natural rubber had fallen, the U.S.A. continued to make synthetic rubber and did not buy so much natural rubber as she would otherwise have done. Since the U.S.A. was well stocked with rubber, this meant that the rubber-producing countries could not sell so much as previously.

We can see from Table VII that the income from coconut products has been steadily good in the years 1947-1951. Coconut products consist of fresh coconuts, coconut poonac, desiccated coconut, coconut fibre, copra, coconut oil and coir yarn. Although the amount of money earned abroad from coconut products has been generally on the increase, the prices and quantities of individual products sold differ from year to year, and so therefore does the income earned for each product. The income earned from coconut products does not shoot up and down each year so much as that from rubber. However, we cannot expect to get steady incomes each year from rubber and

coconut as we do from tea. It is fortunate for us that tea is our biggest income earner, otherwise Ceylon would find itself in the position of earning a large amount of money one year but very little the next.

We have already seen that the sale abroad of tea, rubber and coconut earns us a lot of money, with which we can buy food and other things from abroad. We have seen that tea, rubber and coconut take up a lot of the cultivated land and use a lot of the country's manpower, even if a large part of it is not native Ceylon labour. We shall now examine the industries of the country, since some people suggest that a great deal can be done to increase the country's earning power if we develop our industries.

**Industry and Trade.** Earlier we noticed that there is only a small proportion of the country's labour force in industry. Only 11 per cent of the country's working force is in industry as compared with 53 per cent in the production of food and special crops. Industry in Ceylon includes manufacturing, mining and quarrying, pottery, glassware, metal-working, textiles and clothing, food, drink, furniture, building, electricity, gas and cane manufacture. Of the total of 286,507 workers in industry in 1946, the greatest number of people (61,000) was working in wood, mainly as carpenters. Textile workers numbered 33,000; food and drink makers 31,000; building workers 31,000; and metal-workers 28,000, most of whom worked as goldsmiths. Brick, pottery and glassware workers numbered 10,000 and cane manufacturers were 12,000 in number.

Little industry, as the Western countries understand the word, exists in Ceylon. Countries like Britain, Germany and the U.S.A. produce such things as ships, motor vehicles, aeroplanes, bicycles, trains, radios, washing-machines, tractors, typewriters and cookers. They also produce large quantities of textiles such as cotton, woollen, satin, nylon and rayon goods, to mention a few. It is true that Ceylon, like Britain, produces brick, pottery, china and glassware, but the quantity and quality of Ceylon's produce leaves much to be desired. Industrialized countries also produce considerable amounts of processed goods: for instance, powdered food and food in packets, tins, bottles or jars such as soups, meats, fish, fruits, puddings, cakes, beer, spirits, pickles, sauces, jams, jellies, cheese and many other things, most of which can be seen in shops in Ceylon. Ceylon produces very little of this type of food; tinned pineapples and mangoes are the most notable of our products of this kind.



If we compare industry in Ceylon with industry in these other countries, then, we find that really Ceylon has very little industry. Most of what we call industry is nothing more than cottage crafts. In a village, one family may be producing pots, another may be making furniture, another may be making coir rope. They work generally to supply the needs of their village and perhaps a few neighbouring villages, and generally they work under their own roof and at their own times. Industry in the Western countries does not mean this. In the West people working in industry leave their homes each working day to go to their place of work, generally a factory. The factory may employ only five or six people or it may employ thousands; generally, we can expect a factory to employ several hundred workpeople. Once they get to work at a certain fixed hour, they work for so many hours and finish at another fixed time, and they are normally expected to work each working day. Each man or woman has his or her own job to do and one person alone is not responsible for producing the whole commodity. For example, if we consider a bicycle factory, some men spend all their time making the spokes of the wheel while others spend all their time painting the bicycle frame, while no person has the task of making the whole bicycle by himself. The worker who helps to make the bicycle takes no part in selling it when it is ready: that is the work of other people. Even if bicycles are not selling well one week, the bicycle workers will still expect to get their pay regularly for the work they do. The factory will generally be producing not only for the small place where the factory is situated but for the whole country and even foreign countries.

We learned earlier that some of the people in Ceylon earn their living by providing distribution services and engaging in service occupations. Both these types of work, within limits, are necessary and useful to our country. Without them, our people would not be able to engage in most of the physical production that they do now. Unless people can move about to their places of work, unless they can send what they produce to places where it is wanted, physical production will be of little use. Again, unless there are doctors to look after our health and teachers, lawyers, policemen, and so on, the life of our people cannot go on as well as it ought to. They help to keep the people in health and in education, they help to maintain law and order, and organize our way of life.

The comfort of our people depends on the work of all these people. It is because the farmer, the estate worker, the distri-

butive worker and the professional worker all perform their functions, that all of us have what we have ; but what we possess in the form of food, clothing, shelter and other things is not all produced in our country. Some things we produce ; other things we have to buy from abroad and import.

TABLE VIII  
Principal exports in 1952 and 1953

	1952		1953	
	Quantity	Value (thousands of Rupees)	Quantity	Value (thousands of Rupees)
<i>Food, drink &amp; tobacco</i>				
Coconut, poonac	112 cwt	1,948	48 cwt	880
Cocoa	58 "	10,584	55 "	9,700
Coconuts, fresh	7,867 "	2,999	6,569 "	2,727
"    dessicated	1,112 "	65,280	1,145 "	78,838
Areca	129 "	5,680	96 "	3,657
Cardamoms	2 "	2,983	2 "	1,397
Cinnamon	50 "	5,531	57 "	7,439
Tea	314,494 lbs	723,048	335,557 lbs	825,459
Tobacco	1,182 "	1,981	806 "	1,451
<i>Raw materials and manufactures</i>				
Plumbago	153 cwt	6,199	144 cwt	3,889
Coconut fibre	960 "	17,606	1,279 "	23,601
Copra	814 "	33,193	428 "	22,856
Cinnamon oil	1,882 oz	868	1,465 oz	530
Citronella oil	1,159 lbs	3,251	1,409 lbs	2,775
Coconut oil	2,134 cwt	133,084	1,871 cwt	142,153
Skins	7 "	515	7 "	601
Rubber	209,798 lbs	373,024	217,325 lbs	337,582
Kapok	15 cwt	2,050	17 cwt	2,966
Papein	217 "	4,454	396 "	7,064

(Customs Returns, Dec. 1953)

It is by the money that we earn, mainly from the sale of tea, rubber and coconut, etc., that we are able to pay for our imports. When the income from these things goes down we cannot buy so many things from abroad, just as a family whose income has gone down cannot afford to buy so much from the shops. Unfortunately the amount earned by our exports varies, and sometimes greatly, from year to year. We saw previously that although our income from these commodities went up between 1947 and 1951, the income from each commodity did not go up in the same manner. The income we get from tea each year rises fairly steadily, generally bringing us more income every year.

Rubber and coconut, however, cannot be relied on to give us a steady income each year. In 1951 the money we got from our rubber and coconut was very much greater than in each year from 1947 to 1949, not because we were selling more of them but because the price we obtained was higher. In 1950 and 1951, foreign countries were willing to pay a lot for and buy a lot of rubber and coconut, especially rubber because it is useful for war. Once they got stocked up with rubber and coconut, they still continued to buy from us but at nothing like the previous rate or at the previous prices, so our income from these two exports in the years after 1951 has not been so high. In fact, in 1953, the income from rubber was Rs 3,37,582,000 and from coconut Rs 2,71,055,000.

Now, although the money we obtained from these three export commodities increased, especially in 1949, 1950 and 1951, we were not so well off as we might have thought. Although we were getting more money from abroad, the prices of many foreign goods had also gone up, so we were not so well off as we should have been if import prices had remained the same. The same type of thing has been happening in Ceylon itself. The pay packets of many people during the war grew larger than before, but these people often found that they had to pay a lot more money for their necessities than ever before so they were no better off. A few people in 1951, however, were better off because of the money that rubber and coconut were bringing. These were mainly the owners of rubber and coconut land. So we must remember that we can only say that we are better off when we are getting more money for our exports, if the prices we pay for foreign goods, especially rice, either remain the same or do not go up so much that the increase in our income is wiped out by the increase in the total cost of imports. If, in a year, the sum we get from our exports is less than the previous year, it may not always be so bad for the country as it seems for if by any chance the prices of things that we import, like rice, are going down rapidly, we may find that we are in fact better off than before.

The amount of money we get each year from our exports can alter greatly. The amount that we can buy each year depends not only on how much we earn but on foreign prices. We saw earlier why it was that the amount of money earned could vary. If by any chance Ceylon tried to make foreign countries pay more for her rubber and coconut by refusing to sell except at a higher price, she would probably find she would have nobody to sell to,

because the buyers could always go to the other sellers in the world, such as Malaya and Indonesia for natural rubber. If Ceylon coconut products are not available except at high prices then the buyers can go to other sellers of coconut products or turn to cheaper substitutes. Ceylon can never hope to force other countries, except in unusual circumstances (such as the Korean war), to buy at any price that Ceylon wants or in any quantity that she wants, because the countries have other sources of supply. Another country in this position is Malaya, which is a great rubber- and tin-producing country. When other countries of the world want rubber and tin, Malaya earns a good income; when hardly anyone wants these goods, then the people of Malaya are as badly off as we are when the world does not want our exports.

TABLE IX

## Value of principal imports in 1952 and 1953 (in rupees)

		1952	1953
<i>I. Food, drink &amp; tobacco</i>			
Grain and flour	..	486,026,538	521,079,366
Feeding stuffs for animals	..	327,853	287,490
Meat	..	3,033,056	2,371,945
Animals (living) for food	..	4,126,126	3,736,601
Other food and drink	..	280,547,536	250,646,946
Narcotics	..	14,994,025	15,322,216
		<hr/>	<hr/>
TOTAL	..	789,055,134	796,444,564
		<hr/>	<hr/>
<i>II. Raw materials and articles mainly unmanufactured</i>			
Coal	..	19,277,977	25,272,922
Non-metalliferous mining, quarry products, etc.	..	12,643,650	4,938,523
Non-ferrous metalliferous ores and scrap	..	17,788	19,980
Wood and timber	..	10,797,243	8,097,915
Raw cotton and cotton waste	..	5,670,487	4,747,453
Other textile materials	..	40,469	35,139
Oil seeds and nuts, oils, fats, resins, and gums	..	89,934,495	80,451,055
Hides and skins (undressed)	..	22,889	4,988
Rubber	..	..	..
Miscellaneous	..	32,927,006	39,929,344
		<hr/>	<hr/>
TOTAL	..	171,332,004	163,497,319
		<hr/>	<hr/>

1952		1953
<i>III. Articles wholly or mainly manufactured</i>		
Coke & manufactured fuels ..	77,207	96,424
Earthenware, glass, abrasives, &c. ..	44,472,978	36,801,822
Iron & steel & manufactures ..	57,709,404	54,811,222
Non-ferrous metals and manufactures ..	16,565,944	11,750,443
Cutlery, hardware, implements and instruments ..	20,923,983	18,344,897
Electrical goods & apparatus ..	21,522,795	24,381,467
Machinery ..	71,757,869	68,336,622
Manufactures of wood & timber ..	169,388	9,070,708
Cotton yarn & manufactures ..	124,864,259	109,466,871
Woollen & worsted ..	3,267,861	3,075,644
Manufactures of mixed materials ..	4,621,820	5,566,385
Silk & silk manufactures and satin ..	5,055,080	3,627,432
Manufactures of other textiles ..	68,947,967	39,782,932
Apparel ..	12,407,279	14,534,876
Chemicals, drugs, dyes & colours ..	33,973,871	32,118,705
Oils, fats & resins manufactured ..	49,777,803	45,643,755
Leather & manufactures thereof ..	739,427	908,303
Paper and cardboard ..	37,107,800	25,796,110
Vehicles (including locomotives, ships and aircraft) ..	97,855,397	83,666,605
Rubber manufactures ..	16,244,075	14,102,573
Miscellaneous articles mainly or wholly manufactured ..	52,047,112	44,592,619
<b>TOTAL ..</b>	<b>740,379,319</b>	<b>646,676,915</b>
<i>IV. Animals not for food</i> ..		
	1,675,016	1,218,838
<b>GRAND TOTAL ..</b>	<b>1,702,441,473</b>	<b>1,607,837,636</b>

(Ceylon Trade Journal, March 1954)

Unfortunately for us, our need for foreign goods, especially essential foodstuffs like rice, does not alter much, except perhaps to increase as our population rises. Whether the price of rice is low or high, our people still want about the same amount, so we find that as the price of rice rises or falls, so does the amount of money we pay out for about the same quantity of rice, so long as we are able to pay. After the 1939-45 war there was a great shortage of rice in the world because the big rice-producing countries had been badly disorganized by the war and it took some years for these countries to return to fairly normal conditions. Therefore after the war we had to pay high prices for rice. As the years have gone by these countries have been producing more and more rice, so that it is possible that in the future rice-exporting countries will offer more rice than the importing countries want to buy and will be forced to lower their prices. Therefore we may not be quite so badly off as the

drop in our export income might lead us to believe. Unfortunately, even in our most prosperous years, we are not well off if we compare our country with several European countries and the U.S.A. The average income per person in Ceylon in 1952 was Rs 551 per year, while in the United Kingdom in that year it was Rs 3,466 and the U.S.A. it was about Rs 9,260. It is obvious from this that we are very much poorer than many Western countries.

**Economic Development.** The poverty of our people is too obvious to be missed. They need more and better food, clothing and shelter and many other things. We could get these things by trying to produce more of them all ourselves. We could also get them if we produced more of the goods that people in other countries want to buy and with the money we so obtain buy the things we need from abroad, or we could combine the two methods and so raise our standard of living.

First let us consider the things we might produce ourselves. We need more food, both for our rapidly increasing population and also to enable our people to have enough good food to eat. We need more rice, vegetables, pulses, fruit, eggs, meat, milk and fish. One way is to try to increase the amount of food we get from those sources which are already being used. We should try to increase the yield per acre of paddy on the land already producing paddy. We have already discussed how this might be done by better tenancy laws, better seed, manuring, transplanting and water control. Irrigation, flood control and drainage could bring under production for paddy some land in the arable areas which has been abandoned as useless. If these things were done, we could expect quite a large increase in our paddy supply. Another way of increasing our paddy supply is by finding more land for its cultivation. As stated earlier, about one-fifth of Ceylon's land is arable, about one-fifth forest and the rest waste land. Part of the arable land is being used already for food production and the rest for commercial crops. Some people suggest we should use the estate land for paddy, others suggest the forests, others the Dry Zone.

Let us consider the idea of using the estate land for paddy cultivation. We have already seen that with the money we ~~can~~ from the estates we are able to buy not only the rest of the ~~rice~~ <sup>food</sup> we need but many other foodstuffs and things we need from ~~abroad~~ <sup>elsewhere</sup>. If we put the whole of the estates under paddy production it is very unlikely that we should be able to satisfy the whole of our

paddy needs, since the amount of land is not enough. Besides, a lot of this land is not the most suitable for paddy production, so that there would not be a good yield per acre. So if we used the estate land for paddy we should find we were very much worse off than if we used it for commercial crops and bought the things we need with the money we obtain from them. We must also remember that while the changeover was being made we should get very little of either paddy or commercial crops. It would not be sensible, therefore, to cultivate paddy on the estate land because we would probably be worse off and because if we gave up growing our export crops we would then have hardly any means of buying any foreign goods we might need.

We are, then, left with the choice of using either the forest land or the waste land. The disadvantages of using forest land for cultivation have already been discussed. The Dry Zone of Ceylon is probably the best land available for further cultivation, since at one time it supported a considerable population. This land cannot be reclaimed for cultivation except at a large cost in money, thought and hard work. It will have to be cleared of scrub and provided with irrigation. Roads, houses, schools, hospitals and so on will have to be constructed for the people who are to live there, otherwise people will not stay there even if there is land to cultivate. There must be transport both to carry the people and to carry the things they might produce for sale and the things they want to buy. The essential services of doctors, police, etc., must also be available to the people in these areas. There must be some means, perhaps through co-operative societies, by which they can conveniently sell the things they produce at a fair price. The opening up of the Dry Zone must be planned so that the maximum use can be made of the money and effort expended. As the land is cleared, all the other services must be set up and the people moved on to the land as quickly as possible, otherwise the land may once more become overrun with scrub.

If we make careful use of our land, we shall find that we have enough land for our rice needs and some land over that could be used for the vegetables, fruit, etc., that are also necessary for the health of our people. We need more cattle, not only for the meat, milk and transport they provide, but for the manure also. The quality of the cattle could be improved by selective breeding and by growing food specially for them, meat and milk production would then increase. Fruit and vegetables should be grown wherever possible. We should also bring our methods

of fishing up to date instead of relying on the age-old methods which are often both inefficient and dangerous.

If with great effort we manage to increase our food production, we must also make sure that this increase is maintained. First we must make sure that there are adequate means for the collection and distribution of the food produced for sale, and that there is a fair price for both the producer and the public. We must produce the food at a reasonable price so that ordinary men and women can afford to buy it with their increased incomes. This does not mean that the farmer should receive very little return for his work ; it means that the opening up of the new land, farming methods, transport, distribution, etc., must be the most economical and efficient possible. Secondly, the public must be educated to eat more of the foods that are good for them. This can be done in several ways, through posters, films, women's institutes, hospitals, schools and so on. Since many of the diseases in our country start from malnutrition, we must try to persuade our people to eat enough of the things that are good for them ; we shall thus also provide a market for the things produced.

It may also be possible to use land in the Dry Zone to produce other crops such as sugar-cane and cotton. Growing such crops as these will help to diversify our agriculture. Since the nature of the soil and climate varies from place to place, the best results will be obtained by cultivating the crops most suited to each particular region. Crops such as sugar and cotton are the raw materials for industrialization (i.e. sugar refining and cotton spinning and weaving), and so they would give employment to our people at two stages—at the stage of cultivation and at the stage of manufacture.

One of the ways by which we could produce more of the things we need is by increased food production. But food alone is not enough if we want to increase our standard of living ; there are many more things a family or a person needs in order to live a comfortable life. Such things as these can be produced for ourselves if we establish manufacturing industries. Now let us consider how we could raise our standard of living by developing industry. The essentials for industrial development, as for any other form of economic development, are capital, labour, managerial skill, power, raw materials and markets. Ceylon is far too poor a country to have much capital of her own. Capital can be obtained from the savings of the people, or from taxation, or by obtaining loans from abroad, or by inviting foreigners to invest in Ceylon. For some years to come the amount of capital



we can raise either by savings or taxation, or both, will not be large. Our labour force is for the most part unskilled and insufficiently educated for most of the work performed in the highly industrialized countries. It could, however, be used in those industries requiring mainly manual labour. There are not many men capable of running industry as yet, but as more Ceylonese are being admitted to responsible posts in the big business establishments in Ceylon, our supply of managerial skill is increasing. For industrial power there is little coal, but we can hope to have a considerable amount of hydro electric power. For raw materials, we have rubber and coconut. If such things as cotton, timber and sugar-cane were also grown they would supply raw materials. The market could be the whole of Ceylon. If Ceylon's rising population had a growing income from their increased production of food then there would be a growing market for the things Ceylon can produce, so long as they were the things that the people wanted and were sold at a reasonable price.

But we should realize that we are in no position to become a fully industrialized country, for we cannot hope to compete with *those countries already industrialized*. They have capital, much skilled labour and managerial skill, power, established sources of raw materials and markets for their products. Not only have they all these advantages, but they have already been industrialized for a long time and have recovered long ago from the social disruption that rapid industrialization brings. When we think of industry in Ceylon at the moment, we must think of it as *industry using whatever resources we have for the things our country needs*. Since our resources are limited we must try to choose those industries which make the most of those resources we have. Therefore, to begin with, we must choose industries which do not require a great amount of capital nor a great deal of technical and managerial ability. *They must be industries which require cheap and simple machinery capable of being operated by the semi skilled workman*. At first we must use predominantly those raw materials which we produce ourselves, for instance rubber and coconut. If we were also producing other things such as cotton and sugar-cane it would be so much the better. At first we ought not to start industries for which we should have to import raw materials and so increase the amount we have to spend abroad. The industries should be situated in the most economic places. The ideal places would be near the source of raw materials, power, water supply if necessary, and labour force, and with an easily available means of transport for

the finished product. It would probably be difficult to satisfy all these conditions, but they should be borne in mind when considering the site of an industry. The size of the industry should also be considered carefully. We should not try to set up unnecessarily large industries at first, since there will not be enough people to buy the finished goods. We must remember that at first there may not be a very big market for one particular thing, for instance rubber-soled shoes, as people's incomes will only be going up slowly. We must also remember that, though people may want a certain number of pairs of shoes each year, they will not want to buy more than that number. We should rather try to start small industries to satisfy a number of needs and which can be expanded if the people want to buy more of the things they produce.

We might increase the supply and variety of our raw materials to feed the new industries. Later on it may be worth while importing a few raw materials for new industries. If we attempt to satisfy the increased desire for spending that will arise among those people who are receiving more money, we shall have scope for a variety of industries. When planning what the industries shall be we must keep in mind the type of things the village people will want to buy if they get the opportunity. They will probably want to have a lot of the things that the ordinary middle-class man already has or wants—such things as good houses, with sanitation, tables, beds, cots and other furniture; better cooking utensils and other kitchen equipment, cups, saucers, plates and cutlery; more and better clothing, shoes, curtains, towels, tablecloths, and bedding; kerosene cookers, washing bowls and buckets; biscuits, beer, sweets, toys, books, ornaments, radios and bicycles; more and better tools; more and better films; and so on. Many of these things could be produced in our own country without very much difficulty. Even from this list alone it can be seen that there is a need for a building industry, a furniture industry, a textile industry, a glass and chinaware industry and a cement industry. It is true that we already have people engaged in furniture-making and building, but the present methods are not always the most efficient or economic.

While these developments are going on, the export industries must not be neglected. It will be useless if we develop our agriculture and industry and lose our export income. It should be maintained and if possible increased. We must remember that even if we save money on food imports our people still have to buy many foreign goods and probably will want to buy more.

They will still want to buy medicines, books, radios, cars and other products of highly skilled industry. In addition, if our people have more money to spend they will want to buy more foreign goods like bicycles, cookers, kerosene, radios, etc. We will also need to buy machinery for our improving agriculture and growing industries.

Most of this money with which to buy foreign goods can only be obtained by selling our commercial crops abroad. We must do all we can to ensure that we get as much income from them as possible. This can be done in several ways. Foreign countries are more willing to buy when they know that the weight and quality of a product really are what they are supposed to be. The most economic methods should be employed on the estates to get the highest yield possible for the land being used. For instance, as rubber trees pass their production peak, they should be replaced with the new high-yielding varieties that are now being grown in Malaya. If they are not so replaced, we will find that not only will our rubber output be declining but that we will not be able to sell even what we have, since Malaya will be able to sell so much more cheaply than we. The standard of tea should be maintained and every effort made to find new markets. There are vast untapped markets in the continent of Europe and in North America. If many of the people in these countries were introduced to properly-made tea they might become almost as good customers as the British. The coconut estates should be properly maintained and cared for to ensure the maximum economic production. We should try to maintain the standard of our exports to make sure that a few dishonest men do not spoil Ceylon's reputation abroad by selling goods of poor quality. If, for instance, a few men allow papaw seeds to be mixed with the pepper seeds they sell we must expect that foreign countries will cease to buy from our exporters, or will want to buy at lower prices, and then all of us will suffer. We must try to find other crops that will grow here and which we can sell abroad at a profit. It will be essential to Ceylon's economy to maintain the sale of our commercial crops abroad. We can only afford not to sell tea, rubber, coconut, etc. abroad either if we are able to produce everything we need ourselves more economically, or if we can find other things to sell in their place.

If our standard of living is to be raised so that everyone has an opportunity to obtain enough food, shelter and clothing we should try all these methods. We must not expect rapid results.

at the beginning, but if we continue to work hard and intelligently, the results will begin to show more and more rapidly. If ever we are to raise our standard of living we shall have to use our resources to the full, plan carefully and work hard. The biblical saying that we shall reap as we shall sow is truer in the way we earn our living than in many another sphere of activity. For, after all, we cannot expect to obtain more than what we earn by our own efforts.

## CHAPTER III

# THE PRINCIPLES OF DEMOCRACY

FROM the earliest times, human beings are found to have lived in groups, whether such groups were families, clans or tribes. When human beings live together for the satisfaction of their mutual wants, they tend to develop certain patterns of behaviour. These patterns are ways according to which human beings behave towards one another in their day-to-day life. In any human society the way human beings behave towards one another must be according to some kind of order, for otherwise the human group will find it impossible to exist. This was the case even in the earliest human societies. Order in these early human groups was maintained by custom. A particular kind of behaviour towards one another becomes a custom only when two conditions at least are satisfied. Firstly, it must be accepted by most, if not all, of the members of the group. Secondly, it must have been followed for a long time to obtain the sanctity of age. In other words, what is not a custom today cannot become a custom tomorrow. A particular item of behaviour has to be followed for a very long time before it becomes a custom. Since early human societies changed comparatively little, their patterns of behaviour were those which had been followed for a long time. Customs therefore maintained these patterns of behaviour, and so maintained order in those societies.

**The State.** As human societies progressed, however, customs were found to be inadequate to maintain order in these human groups. When man increased his control over nature, and produced more wealth, new patterns of behaviour came into being. These new patterns of behaviour could not be maintained by old customs, but yet order was necessary for the group life. To maintain this order a new development took place. This was the development of the association called the State. The main function of the State, as it developed in its early history, was to maintain order and social peace in human societies. The State therefore developed characteristics necessary for the performance of this function. It became an association with the power to regulate the life of a human society. It claimed power over all human beings and over all things within the area over which the State had control. It claimed that all persons

living within its territory should obey its orders ; punishment was the price of disobedience.

The purpose for which the State arose was, then, to maintain order in group life when it was found that it could not be maintained by customs alone. We must not assume that as soon as the State appeared, the old customs vanished. On the contrary many customs remained, but the State retained the power to maintain order where customs were inadequate or had not developed, or where the State wished to overrule custom.

While everyone agrees that the early State arose to maintain order in group life, most people do not think that this is the only or the main reason why the State exists today. Many believe that the modern State exists for the bigger and nobler purpose of enabling everyone in the State to live the 'good life'. We can say that a person lives the 'good life' if that person has the opportunity to make use of all the desirable capacities he is born with. If, for instance, a very intelligent child does not know how to read and write because there are no schools and teachers in his village or close to his village and because his parents are not rich enough to send him to a school in town, then that child will not make use of his capacity for learning with which he is born. Similarly, in many other ways, a person may or may not have the opportunity to lead the good life.

Those who believe that the State exists to bring the good life to all argue that that is the reason why the State should be obeyed. Of course, all the thoughtful people in this world do not think in the same way. Some people believe that, while the State ought to make the good life available to all, it does not do so all the time. They say that the really important people in any association are its executive committee. In the same way the really important people in the association called the State are the executive committee called the government. Whether the State makes the good life available to all then depends on what the government does. These people say that we ought to obey the State only if it does the right thing through its agent—the government. That is to say that the State can justly expect us to obey only if the State acts justly, i.e. makes the good life available to all. If the State acts unjustly and forces us to obey by punishing those who do not, that State cannot be called a just State. Most people obey whether a State is just or unjust, but some do not and are prepared to suffer punishment for defying the unjust State. If the injustice of the State increased, many more people might disobey and thus bring about the destruction.

of the State. A State, therefore, must prove that it stands for the good life of all by acting in such a way as to promote it. Then only can the citizens obey justly.

There is a third group of people who think even more differently. They think that human beings will be most happy when the association called the State is not there. This can happen only in the future, because they think that till that ideal situation is reached the State is useful. These people also think that the important people in a State are the government. The government, they say, is invariably chosen from a certain section of the population, and that section is always the one which dominates the rest. They also say that, throughout history, those who controlled private property have dominated those who did not. So long as there is private property in those things necessary for producing the food, clothing and shelter of a people, so long will property owners dominate the rest of the people and control the government. Government is necessary, they say, because property-owners want to dominate the rest of the people. When the rest of the people come into power (and they point out that so far in history this has only happened by means of revolution) all property will be controlled for all the people, and a government to dominate people who own no property will become less and less necessary, till the need for government disappears and the State 'withers away'.

By now, perhaps, you will have noticed that in the last paragraph we were following the argument of the people living in countries like Russia and China. Earlier we stated the argument of people living in a country like Great Britain. Both groups agree on one thing. Both agree that, so long as the State lasts its proper function should be to provide for the good life of its members.

If the proper function of the State is to provide for the good life of its members, then the State should be so organized as to provide those essential things which are necessary for everyone to enjoy the good life. The best way in which a State can be organized to do so is the democratic way. Complete democracy therefore means two things. Firstly it means that every individual has the things which are essential for the good life, and secondly that the State is so organized as to provide and maintain those essential things. In a sense it is not quite correct to distinguish between the essentials of the good life and the State organization to provide and maintain them because both are part and parcel of the same thing—Democracy.

Now, of course, no country in the world has ever reached the position of complete democracy. It is doubtful whether any country ever will. The important thing is to get as close to the ideal of complete democracy as possible. The best way in which it can be done is to consider the minimum of the essentials of a democratic society and strive to obtain them.

**Personal and Civil Freedom.** What then are the essentials of democracy? The first principle that every democratic society should accept is that every person living in that society has a right to enjoy the good life. The right to the good life should be available to all equally. This means that any person, whether rich or poor, 'high' caste or 'low' caste, good-looking or not, has an equal right to the 'good life'. This is what is meant when democrats say that they believe in the principle of equality. By this word *equality* they do not mean that all people are equal in everything. On the contrary, people differ from each other in many ways. Some people are stronger than others; some people are taller; some are braver, some make better engineers and some better farmers. Some people may even be better in all respects than some others. Then what is meant by saying that all persons are equal? What is meant is that, because we are all human beings, our common characteristics are more important than our differences. If we think of all the human beings in the world we have to admit that they have many more capacities in common than differences. These common capacities of men and women are sufficient to enable them to live in such a way as to help themselves as well as the rest of humanity. This is the reason why democrats urge that all human beings in a democratic society should have the opportunity to develop their desirable capacities to the full. Since different people have different types and degrees of ability they will use their capacities differently. Some will become doctors and lawyers, some farmers and craftsmen, some artists and musicians; some poets and writers, and so on. It is in this diversity that the human race becomes rich, but that diversity cannot bear fruit unless each person is given the opportunity to lead the good life.

Since the first principle of democracy is equality, it follows that in a democratic society all the people should have certain equal opportunities. These equal opportunities can be called freedoms or rights. Everyone in a democratic society should therefore have certain rights or freedoms. All these rights



or freedoms, which we shall consider later, are necessary for the good life. One cannot say that one freedom is more important than another, because the absence of any one of them may reduce the effect of another. Even so, for purposes of understanding what these freedoms are, we can classify them into categories. Thus we can speak of personal rights, civil rights, political rights and economic rights. All these rights are, however, necessary for democracy.

No person can lead the good life unless he has certain personal rights. Now it is true that every person lives in a society and that there is nothing in him which, in some measure or other, he does not owe to his living in a social group. Yet there are certain spheres of activity in a man's life which are of greater personal interest to him than to society. John Stuart Mill divided these spheres into what he called 'self-regarding' and 'other-regarding' activities. It is necessary that a person should be allowed to manage the self-regarding sphere of activity as freely as possible because that will help him to develop his capacities and so benefit the whole social group. What then are these self-regarding activities in relation to which a person should have what we call personal rights or personal freedoms?

Firstly, a person in a democracy should have the right of personal security. This means that the State should undertake to protect every person against physical violence or injury by another person, and against arbitrary arrest or imprisonment except according to law. If this right is to be available to all, the State or its agent the government must act accordingly. If one individual hurts another for no cause, or kills him under any kind of provocation except in self-defence, such a person must be punished by the State. Secondly, the government itself must not use its power to arrest or imprison people except according to law. From this first freedom one thing should be clear to us all, and that is that everyone's right to personal security depends firstly on the government's protecting it and secondly on the people's accepting it and not interfering with it. Your right to personal security depends, like all other rights, on your duty to permit it to others, so that all the rights you have mean that you also have duties to other people. This fact we should keep in mind when we discuss the other rights which are available to everyone in a democracy.

A person should also have religious freedom, which means that he should be allowed to practise any religion he likes, or

none if he so desires. This is very important in a country like Ceylon, where there are people belonging to several different religions. Each religion should be allowed freedom to practise its faith provided it permits others to practise theirs. Freedom of religion is important for a democracy because, so long as people want to practise religion, its absence would make it difficult for them to lead the good life.

A person should also have the right to reside or settle down in any part of the country, to move freely from place to place and to practise any calling or profession he may desire. These freedoms do not strike us as important largely because we already have them in our country. It is not every country, however, which permits these freedoms to everyone. In the Union of South Africa, for instance, non-White persons have to obtain special permits to move about after a certain hour of the night in big cities like Johannesburg. They are not allowed to settle down in certain parts of the country nor to buy property in them. This is why in the Union of South Africa there is no personal freedom for the great majority of the people.

A person in a democratic society should have freedom of thought, speech and expression. Of course, no one can directly control how a person thinks. Yet a person will not think freely unless he is allowed to express those thoughts in speech and writing. To deny a person the right to speak freely is to restrict his free flow of thought. Since the power of reason and thinking is the special feature of man which distinguishes him from the rest of the animal world, to restrict his power of thinking will amount to restricting his human capacity.

We noticed that human beings tend to live together in groups. We also noticed that the State attempts to regulate the group life. We shall see in the next chapter that no State can or should regulate the entire life of the group, but should leave many fields of activity for the individual to engage in freely. Since human beings tend to engage in their day-to-day life in some kind of cooperative way, even in these self-regarding activities, they may wish to join with others. People should therefore have the right to form associations for the organization of their social life and the right to assemble peacefully to enable their associations to function.

None of the rights mentioned above are absolute rights. This means that these rights can be available to persons in a democratic society only under certain conditions. The right to security of life of a person depends on his not interfering with the

rights of others. If a person takes another's life, society (i.e. the government on its behalf) must punish the offender. Though everyone has a right to practise his religion, that right should be subject to public order, morality and health. For instance, no State will permit the followers of a religion to practise human sacrifice. All the other rights are also subject to reasonable limitations. The important thing, however, is that these limitations should be those which the people have agreed to impose on themselves. This may sound strange but in fact it is not so. The only limitations should be those necessary to enable everyone to enjoy an equal degree of freedom.

Personal freedoms are not the only freedoms which people in a democratic society should have. There are other freedoms as well. It is the duty of a democratic State to protect these freedoms impartially. Out of this arises the principle of equality before the law. This principle is also called that of civil liberty. This means that if a person violates the rights of another, the punishment for that violation should be given, no matter how great the power, prestige, status or wealth of the offender may be. This was not a principle accepted in early or feudal times. In feudal times, both in Asia and Europe, punishment was imposed not according to a principle of equality but according to social status. Punishment was lighter if the wrongdoer came from a higher social class, and heavier as the social status of the wrongdoer became lower and lower. This, of course, is a system which no democratic society would permit, and one of the earliest changes from the feudal system was in establishing the principle of civil liberty.

**Political Freedom.** We noticed that certain activities of a person are of greater personal interest to him than to others. We also noticed that if he were allowed to engage in those activities freely he would be able to live the good life; hence the provision of personal freedoms. There are also certain activities which affect the whole group or the whole society, and which therefore affect persons individually also. It is because the social group has to be regulated in such matters as these that the State arises. In a democratic society, the State should regulate these activities in such a manner as to bring about the good life for all, and with the welfare of all the people at heart. A State can regulate the life of a society only by means of its agent, the government. Only if the government acts with the welfare of the people at heart will there be democracy in a

society. The problem, then, is how to find a government which works for the welfare of the people. In trying to find a government of this nature, democrats work on a principle which is of fundamental importance ; this is that only the people themselves will know what is for the welfare of the people. Working on this principle, democrats argue that the government in a democratic society should be elected by the people. The government of a democratic society should therefore be a government by consent, i.e. the government should be carried on according to the wishes and subject to the will of the people. Now this can be done if the people have certain rights or freedoms. These rights or freedoms are called political rights or political freedoms.

The people in a democratic society should have the right to elect their government at periodic intervals. Usually in democratic countries this period is fixed at a maximum of 5 years. The government should be elected periodically because this gives an opportunity to the people to reject it if they think it has not worked for the welfare of the people, and elect another which they think will do so. Now, the question may be asked why the people should not elect a government for a very much longer period or for all time. There are many reasons why this should not be done. Firstly, the government consists of ordinary human beings like anyone else and so they are also liable to make mistakes. They may suffer from such common human shortcomings as ambition, desire for power, desire to continue in power, self-interest, and so on. Even more than that, being human beings, they, like most of us, may honestly think that what is good for themselves is good for the whole country.

Secondly, the people may have elected a government which undertook to regulate the society in a particular way. At that time the people may have thought that this would be for the welfare of all the people. While the government may wish to regulate the society according to their undertakings, the people may change their views about them, and may think that another way is more suitable ; of course, they may think that the former way is still preferable and may wish the same government to remain. In any case the people should have the right to decide whether they want to have the same government or another.

Thirdly, when a government knows that it has to seek re-election at periodical intervals, it will be less exposed to the corrupting influence of power. It is a human failing to wish to exercise power arbitrarily. Periodic election is a safeguard

against this tendency. There is nothing a government fears more than the watchful eyes of the people.

If the people should elect the government periodically, they must also have the power to do so. This power is called the right to vote. Now, of course, every person living in a country cannot be given that right. The persons must be citizens who, by being citizens, have the welfare of the country at heart. Non-citizens ought not to be given the vote because they may not work for the welfare of the country. Even among citizens a distinction should be made between 'minors' and 'majors'. Since the right to vote is a right to control the government that right cannot be given to small children who are too young to decide on a matter of such great importance. Some age limit has to be fixed at which a person is considered old enough to exercise the vote. In Britain and Ceylon the age limit is fixed at 21 years. Those below that age are minors and have no right to vote. The rest are majors or adults. This is what is meant by saying that all adult citizens, with a few exceptions, should have the right to vote. The exceptions are that idiots, madmen and persons found guilty of certain dishonest practices at elections should be denied the vote because either they have no capacity to judge what is good for the country or they have used their capacities in a wrong way. With such general qualifications as these, every adult citizen should have the right to vote equally. Since every one in a democratic society should have equal opportunities, the right to vote should also be given equally. That is why 'everyone to count for one and nobody for more than one' is a good democratic principle. For if one citizen has more than one vote, then he becomes more powerful than another, and then there is no equality.

The right to vote should therefore be given to all adult citizens without any limitation which would remove the principle of equality. For instance, it is wrong to give the right to vote only to those who have private property. If that is done, those who have no property will have no vote, thus removing the principle of equality. Nor is it right to give the vote only to those who can read and write, for if that is done those who cannot read and write will have no vote. It is true that in a democratic society everyone should be able to read and write. If some cannot, then those people will be poorer in mind than others, and will not have the same opportunities as those who can read and write. This is bad enough, but to deny them the vote would be worse, because they would then have even fewer opportunities.

The right to vote should also be given without any distinction as to male or female. People in the modern world have realized that men and women really have similar capabilities ; in any case a woman is as much a human being as a man and so ought to have the same opportunities. Some great women of Ceylon, such as Vihara Maha Devi, were in fact nobler than many a man of today or yesterday.

The manner of exercising the vote should also be such that a person can exercise his right freely without fear or favour. This is the importance of secret ballot. When the vote is given by means of secret ballot, a person is not subject to as much intimidation or pressure as he might otherwise be. Equal, universal, secret ballot is, then, a cardinal feature of a democracy.

So long as we are democrats, we must also permit any adult citizen not otherwise disqualified to be elected to the governing bodies. Equality implies not only the equal power to vote but the equal right to be elected if the people so desire. No matter what other differences one person may have from another, they should both have the right to be elected, subject to common qualifications which do not remove the principle of equality.

Of course, all the adult citizens in a country will not have the same opinion as to how the government should be carried on for the welfare of the people. Some will think in one way, some in another, and perhaps some others in yet another way. If the adult citizens wait till all are of the same opinion there will never be a government, and without a government the society will lack order. So some reasonable method has to be found. The principle which is adopted in democratic countries is that of 'majority rule'. This means that the people in a democratic country have agreed that the government shall be carried on according to the opinion which has a majority of voters in support of it. So if, at the time when an election is held to choose a government, a particular opinion has a majority of voters in favour of it, the government will be formed by those who hold that opinion. The government will be carried on according to the broad principles or policies which go to form that opinion, until the next election comes.

The fact that the government is carried on according to majority opinion means that there will be in the country people who do not hold that opinion. In other words there will be one or more groups of people holding a minority opinion or opinions. The government is in the hands of the majority, while there is a minority which does not entirely agree with the government.

The majority and minority are those of opinion, or in other words they are a political majority and a political minority.

In a democracy, the government of the day should not oppress the minority, for a number of reasons. The reason why a democratic society agrees to the principle of government according to majority opinion or majority rule is to allow the people to elect the government peacefully. A democratic society prefers to count the heads rather than break them; democratic political groups believe that peaceful persuasion is the best way to win control of the government. If a government which is elected according to the majority opinion in the country oppresses the minority, then the latter will have no faith in the principle of peaceful persuasion, and people who hold minority opinions conscientiously will seek methods other than peaceful persuasion to control the government. That is why the minority ought not to be oppressed by the majority; if it is, then the principle of peaceful persuasion will have no validity.

We can see, then, how important it is for a democratic government not to oppress the minority. The minority in this case, however, is a minority of opinion or a political minority. The word 'minority' is used in another sense also. In countries like Ceylon, India and Canada, groups of people differing from one another in racial origin, language and religion live together under the protection of the same political organization or State. In Canada, for instance, the number of people of French origin, speaking French and professing the Catholic faith, is smaller than the number of English-speaking, Protestant Canadians. From the linguistic point of view, therefore, the French Canadians are a permanent minority. In the same way, from a linguistic point of view, the Sinhalese are a permanent majority in Ceylon, while the Tamils are a permanent minority. In Ceylon, the Buddhists are in a majority; the Hindus, Muslims and Christians are in a minority. In India, the Hindus are in a majority, the Muslims are in a minority, while the opposite is true of Pakistan.

Now in a democratic society such minorities as these also should not be oppressed. A linguistic or religious minority can be oppressed by discriminating against it in such a way as to make the free use of its language or religion difficult. If a group of people are denied the chance of using their language and practising their religion, then that group will not be able to live the good life, which is what a democratic government should try to provide.

Generally speaking, a minority, whether it is political, linguis-

tic, religious or racial, will not suffer oppression if the people belonging to it have certain rights. The rights which a linguistic, religious or racial minority needs are largely the personal rights which were discussed earlier. A political minority or a minority of opinion will not suffer oppression if it has certain political rights. A political minority will seek to win the people to its way of thinking by peaceful means if it is given an opportunity to do so. But if a political minority, having all the opportunities for peaceful persuasion, decides to use non-peaceful methods, then the majority will be justified in using non-peaceful methods to deal with such a situation. The important thing in a democratic society is to provide an opportunity for the people to change the government peacefully. The people, including the minorities, must have certain political freedoms in order to have this opportunity.

The people should have the right to criticize the government. It is only when such a right exists that the people can find out whether the government is doing its duty well. To do so the people must have the right of free speech and writing; they must be allowed to speak and write freely without fear of punishment. This means that those who criticize the government, as well as those who praise it, must have the right of free speech. In the political, as distinct from the personal, sphere, the chief use which is made of the right of free speech is to persuade a majority of the people either to re-elect the same government or to elect another one at the next election. Some will be for the government and others against it, and it is in the free play of these rival opinions that a majority will come to a particular decision.

Since the political purpose of free speech is persuasion, free speech alone is not enough. The people should have the right of association. They must be able to form themselves into groups to make their persuasion more effective, and must also have the right of peaceful assembly to propagate the views they hold. In other words, the people should have the right of public meeting. These two political rights were adequate at one time, but today there is another important right which only the State can provide, and that is the right to impartial news.

At one time, political persuasion was carried on only by means of public meetings and house-to-house canvassing. Even now these methods are commonly used, but other methods of persuasion have come into being in the modern world. Newspapers, radio, television and films play a very important part in the



political life of a modern country. Wrongly used, these methods can be harmful. There is an element of equality in the rights of free speech, association and of public meeting, for there is a physical limit to the extent to which one person can exercise these rights. A person cannot belong to more than a limited number of associations, nor attend nor speak at more than a limited number of meetings. Newspapers, radio, television and films, however, can be controlled by a few people, thus giving an unfair advantage to those who control them. In a democratic society, therefore, there should be provision for the people to obtain impartial news and truthful comment, otherwise there is a danger that the opinions of a very few people may appear as the opinion of the majority.

A democratic society will therefore have certain political characteristics. The government of the country will govern only so long as it has the confidence and the consent of the people. Since there is no better alternative, the government will govern according to the majority opinion, but will give every opportunity to those holding minority opinions to make themselves into a majority by means of peaceful persuasion. For this purpose the government of the day will see that the people have an equal right to vote, to be elected, to free speech, association and public meeting, and to impartial news.

**Economic Freedom.** It has been found, however, that the equality of these political rights as well as the equality of the personal and civil rights mentioned earlier will be adversely affected unless the people also have economic freedom. In other words, democracy will be complete only when the citizens have personal, civil, political and economic freedom.

The first thing a person should have in order to enjoy economic freedom is freedom from want. No one can enjoy the good life unless he has a certain minimum of food, clothing and shelter. The minimum of food, clothing and shelter necessary for a person to live the good life varies from country to country. It is higher in Britain than in Ceylon because Britain is a colder country. Her people have to eat food which has a greater fat content, since this provides the heat necessary for the body. They need warmer clothing and houses which can protect them from snow and cold wind. They need fuel to warm their homes in the winter season. The necessary minimum of food, clothing and shelter also varies from age to age. This may sound surprising at first. Why should it vary from age to age? This is because

as people progress and bring nature more and more under their control, they come to expect to have certain things without which they will feel unhappy. The villagers of Ceylon will feel very unhappy if they do not have a regular chew of betel; those of us in the towns like to start the day by reading the morning newspapers. Thus there are certain things which we want to have or do if we are to feel really contented. These things we can call 'conventional necessities'. You will agree that at one time we did not have morning newspapers, but now many people cannot do without them. This is why we say that the necessary minimum of food, clothing and shelter changes from age to age because by the phrase 'food, clothing and shelter' we mean all those things which are absolutely necessary to make us feel contented. In an earlier chapter we explained how Ceylon's economy has become a money economy. Therefore, when we speak of the necessary minimum of food, clothing and shelter, we mean either these things directly, or the money income with which they can be bought. In other words, a person should be able to earn a money income with which he can buy these things, provided he works for it. In a democratic society every person should have the opportunity of earning at least that minimum income; but, if some people do not work, they will not be able to get that income except from the work of others. In special cases this is permissible. Children, the ill and the old have to be excused for obvious reasons. The children will work in the future, the old have worked in the past, and the sick will work when they have recovered. In a democratic society a person ought to have the right to earn a minimum income, but he also has the duty to work for it.

Freedom from want alone is not enough to give full economic freedom, because the latter implies the opportunity for leading the good life in the business of earning one's food, clothing and shelter. The first of these complementary economic freedoms is the right to reasonable hours of work. People feel unhappy if they have no work at all, because the good life cannot be obtained by idleness. A man enjoys doing a certain amount of work, yet he does not enjoy having to do too much. There should be a limit to the hours of work a person is expected to do to earn his freedom from want. The rest of his time should be available to him to exercise his personal and political freedoms.

A person should also have reasonable conditions of work. It is against the principle of democracy to expect a person to work in unhealthy surroundings, and it is a democratic argument

to insist that he should have a fair measure of control over his conditions of work

In effect, therefore, economic freedom implies the right to work, the right to a reasonable wage, the right to reasonable hours of work and the right to some control over the conditions of work. The existence of personal and political freedoms will assist the people to obtain economic freedom also. The freedoms of speech, association and assembly, the freedom to choose the government and the freedom to criticize and change the government peacefully will, if found in full measure, assist the people to obtain economic freedom. Yet, if economic freedom is not found, these other freedoms may not be possessed in full measure.

Lack of freedom from want leads to malnutrition and ill-health. A person who is not in good health is neither alert nor interested in other freedoms such as freedom of speech, association and assembly. The great principle of democracy is to consent *actively* to the way of government. The great significance of democracy, also, is to participate actively in discussing the problems of government. Where freedom from want is lacking, those who suffer from its absence may exchange active consent for passive obedience, and active participation in discussion for passive acceptance of what is handed out. Both of these attitudes are against the interests of democracy.

Absence of freedom from want is also generally associated with lack of education. Ignorance is the great enemy of democracy, because the ignorant citizen is open to persuasion by false reports and is not alert to exercise and defend his freedoms. It is on ignorant citizens that anti-democrats thrive.

Citizens who are not free from want are also subject to greater temptation when other citizens use bribery and corruption to get into political office for personal gain. Without proper nutrition, without proper education, the citizen who is not free from want is also more likely to give in to intimidation than others. These are the reasons why absence of freedom from want may remove the principle of equality from the other freedoms that the citizens may legally enjoy. If the citizen has no control over the conditions of his work, so that his conditions of work are not reasonably adequate, then he may be subject to risks of premature death, sickness and accident. All these risks reduce his right to security of person and good health, without which the good life is beyond his reach. If the citizen's hours of work are unreasonably long, he may not have that leisure the

fruitful use of which is the only way to enjoy the good life. Absence of adequate leisure or the absence of opportunities to use it fruitfully may mean that the personal freedoms will largely remain unused.

These are the reasons why all the freedoms—personal, civil, political and economic—are necessary for a democratic society. Freedom or democracy cannot be divided into parts and enjoyed in half-measure. The absence of one freedom will affect another and that will reduce the possibility of obtaining the freedom that is absent. The presence of one freedom will affect another and so help the attainment of those that are not already enjoyed.

No country in the world, however, has reached the point of complete democracy. In some countries there is a fair measure of all the freedoms ; in others there is a fair measure of some but not of others. In all countries there is a fair measure of all the freedoms available to some but not to all. Our duty as democratic citizens is to work for all the freedoms for all the people.

## CHAPTER IV

# THE STATE AND THE INDIVIDUAL

A STATE can make the good life available to all by organizing society in a truly democratic way so that all the citizens have all the freedoms. In fact our obedience to the State is valuable only if the State establishes and maintains a truly democratic way of life. Of course, as we mentioned earlier, no State in the whole world has yet done so. What is important is that the State should be honestly trying to get as close to the ideal of democracy as is practically possible under present-day conditions.

'*Laissez-faire.*' On this question as to how a State should get as close to the ideal of democracy as possible, there are differences of opinion. There are some people who think that the ideal of democracy could be approached if individuals were allowed to do as many things as possible in the way they wish, without interference. In other words, they argue that if we reduce the number of occasions when the government or the State interferes or regulates the life of a group, then so much more opportunity there will be for that group to get closer to democracy. In fact, not only people living with us now, but people dead and gone also have thought so; this way of thinking has had a great past. Those who think in this way today still use arguments used by great men of the past who thought in a similar way. Perhaps you have heard of a great economist called Adam Smith, who lived in England in the 18th century. Like other great thinkers of the past such as Plato, Aristotle and Kautilya, Adam Smith is remembered for his great books. He wrote a book called *The Wealth of Nations*. In this book he wrote down his arguments for interfering with or regulating as little as possible the citizens' way of life.

What were the arguments that Adam Smith used? He said that each man or woman is interested in his or her welfare. In other words, he argued that each person if left alone would look after his own interest. Therefore, if a group of people living together is left alone as much as possible, each person in that group will work for his own welfare. Adam Smith thought that if the State tried to regulate the life of the group *too much*, to that extent the people will be prevented from working for their own welfare. Now if each person is anxious to work for his

own interest, to the extent that the State does not interfere, then the total welfare or the total interest of the people will be greater to the same extent. Let us explain this argument in another way. If a person earns more money the less the State interferes, then if the State does not interfere too much in regulating the life of the group, the total earnings of the group will be at their greatest. If there were 10,000,000 people living in a society and if each person earned Rs  $x$  if the State interfered least, the total income of the society will be Rs 10,000,000  $x$ . The more the State interferes, the less will each person earn and therefore the smaller the total income of the society will be.

We must remember that what is said above was the general idea of Adam Smith's thought, but there were other people also who thought in a similar way. For instance, another English philosopher argued as follows. He said that each person is born with the wish to avoid pain and increase pleasure, and only that person will know what gives him pain and what gives him pleasure. So if you leave it to each individual to decide what he wants to do, he will avoid as much pain as possible and obtain as much pleasure as possible. In that case the total amount of pain suffered by the group will be the least and the pleasure enjoyed the greatest.

These are some of the arguments used by early thinkers. More recently people have added to these arguments. They say that people engage in their best activities when they are left alone ; if they are interfered with and told what to do they will not produce their best. For instance, they would say that a poet will write good poems if he is allowed to write what he wants but not when he is told what to write. The best essays are written because the authors want to write them, not because they are told to write. Perhaps you have read essays by Addison, Carlyle or Macaulay ; no one forced them to write those essays. The argument is that if some one had forced them to write those essays they would not be as good as they are.

From what we have said above it should be clear that those who are against too much regulation of life think that too much regulation is bad for earning a good income, bad for getting as much pleasure out of life as possible, and bad for creative work, all of which reduces man's freedom. This is why they say it is bad for democracy.

Now, if too much regulation is bad, what should be done about it ? The only thing to do, of course, is to ask those persons who

can regulate our lives not to regulate *them too much* The persons who can regulate our lives are the persons in the government The government, as we mentioned earlier, is the executive committee or the agent of the State This is the reason why those who are against too much regulation of our lives ask the State not to do too much These are the people who are against too much State interference or State regulation

Even so, you will have noticed that these people are not against all State regulation, but only against too much of it This is a very important distinction These people admit that a certain amount of State regulation is necessary, they admit that the State has to maintain order in the group The State must protect the people from enemies outside the State and from people inside the State who do not follow even the minimum of rules and regulations which the State has imposed People who argue in this way therefore say that the State should do certain things, such as maintaining order against people inside who wish to destroy it and from enemies outside Yet they say the State should not try to do too many things, because it is when the State tries to do too many things that it has to pass rules and regulations For instance, if the State wants to give education to all the children in a country, then regulations or laws must be passed compelling every parent to send the children to school To that extent the State is interfering with the parents' decisions or wishes Whenever the State wishes to do something, to that extent it must interfere with the citizens' freedom to do what they like This is the case no matter what the State wants to do So those who do not like too much State regulation request the State not to do too much If the State attempts to do as little as possible, they argue, the less interference there will be and the greater the chance of achieving democracy

**The Welfare State** This kind of argument was accepted at one time in certain countries This was specially so in the case of England in the 19th century However, things did not work out in the way that these thinkers hoped The State in England at this time paid heed to this kind of view, and did very little except maintain law and order Even so, far from all the people increasing their welfare, many English people went through a very unfortunate period While some people became very rich others became very poor These poorer people came to the towns in search of employment The rich were only interested in their own welfare and did not think of the poor people except

to make them work. Since a good many people had no other way of earning their living except by going to the towns, they did so. The towns became overcrowded ; they did not have enough houses ; they had no proper sanitation or medical aid. The people were made to work up to sixteen hours a day. Men, women and children were made to work anywhere and everywhere, in underground mines and other dangerous occupations. They received very low wages, not sufficient for a decent life. Naturally, the people lost all their moral standards and behaved badly. In other words, these people had no freedom from want, and at this time they had no political freedom either. This condition is very well explained in books like Hammond's *Town Labourer*.

When it was realized that people in fact could not develop themselves fully or reach the good life or get a maximum of pleasure by just being left alone, thinkers began to argue in favour of the State's doing more things than before. These thinkers argued that when individuals act with the intention of looking after their welfare, conflicts may arise at certain points. In fact it may happen that if one person tries to obtain maximum welfare without thinking of others and succeeds in doing so, the others may be prevented from obtaining their maximum welfare. Because of this, many people began to ask the State to do things which the citizens cannot do for themselves, but which are necessary in order to obtain the good life. These people said that it is the duty of the State to make the good life available to all, and if the State finds that the good life is not available to all, then the State should do something about it. This means that if the citizens do not have all the freedom necessary to live the good life, the State should step in and obtain these freedoms for them. From this you must not think that these people are asking the State to regulate everything. What they say is this. As a society goes on living, many things change. Our knowledge changes ; we make better machines ; we improve our transport system ; countries become more dependent on one another ; in fact, everything in this world is continually changing. Now when there is continuous change in the things around us, we also must change our actions in order to make sure that no one suffers or loses any of the basic freedoms from these changes ; we must also strive to obtain those freedoms which we have not yet got by using the advantages of man's increasing mastery over nature. That is, we must change our actions in order to give equal opportunity to all. For instance, if you want to talk to someone who is



travelling in a rickshaw you will have to move at the same pace, just to be able to talk to him. In the same way, if all the things around us are changing, then we must change our actions in order to make sure that everyone gets equal opportunities. Giving equal opportunity and equal benefit, and also sharing loss equally, is necessary if society is to be democratic.

You will see, therefore, that there is a difference of opinion on this subject between two groups of people. One group argues that the functions of the State should be as few as possible, leaving the people to do what they like; this, they say, is the way to democracy. The other group argues that if people are left alone some people will not have the freedoms necessary for democracy. Whenever such a situation arises, they argue, the government (on behalf of the State) should intervene and provide these freedoms.

You might wish to know which is the more correct of the two arguments. Actually, in matters of this kind, there will be differences of opinion for a long time to come. No hard and fast rule can be passed saying that certain functions should be performed by the State and certain others should not. As people who believe in the democratic way of life, we think that it is the duty of the State to try to establish and maintain the democratic way. If some people in a society are acting in a way which prevents certain other people from enjoying the good life, the State must stop them. If all the people in a society do not have all the freedoms necessary for democracy, then the State must try to provide those freedoms.

Looking at the problem in this way, we see certain great divisions among the functions which the modern State ought to carry out. Firstly, the State must maintain law and order. What does this mean? It means in effect, that the State must maintain public peace. The public peace will be broken if certain people prevent other people from enjoying their rights. A person, for instance, has a right to life. Nobody should take another's life. If anyone does so the State should punish him because that other person has a right to life. Similarly people have certain other rights, which were mentioned in Chapter III. These were called personal and political freedoms or rights. A person has a right to move from place to place, to engage in any work he can find, to live his own private life so long as he does not interfere with the good life of others, the right to vote, the right to seek election, and many other rights of that kind.

The State should also establish rules of conduct beneficial to

the whole of society. It is very convenient if every person knows that vehicles should drive on one side of the road. It does not matter which side it is, provided everybody follows the same rule. In Britain and Ceylon all vehicles are driven on the left-hand side of the road, whereas in France and Italy they are driven on the right-hand side. Similarly there are certain other general rules convenient for society ; it is very convenient, for instance, to have a known standard of weights, measures and monetary units.

The State should protect its citizens from external enemies and look after the interests of its citizens who are abroad. That is why the State should provide a defence force to protect the country, and maintain relations with other countries to look after the interests of its own citizens. For instance, if you go to India and you want some help, you should contact the Ceylon High Commissioner in India. The Ceylon High Commissioner in India is the representative of Ceylon in India and it is his duty to help you if he can. If you wish to engage in trade between Ceylon and Britain, you can get information about trade prospects in Britain from the Ceylon High Commissioner in London. Ceylon's representatives in different countries are called by different names, but they perform the same duties. We have Ambassadors in countries outside the Commonwealth of Nations and High Commissioners in countries inside the Commonwealth.

The State should also carry out those functions which are necessary to help the people to achieve freedom from want, and provide the services necessary for the good life, if there is no other adequate way of doing this. That is why the State ought to undertake social welfare work. Most States try to see that the people have work or employment, that they get certain health and educational services, and have centres for recreation. They undertake the work of developing and protecting the natural resources of their countries, so that the citizens may have a better chance of being free from want.

Finally, it is the duty of the State to see that the rules and regulations which it passes in order to do the things mentioned above are properly carried out. This is a very important duty. There are in any society some individuals who do not want to follow the rules established by the State. Whenever these rules are established in order to bring about a democratic way of life, the State should enforce them. If certain individuals are allowed to break the rules, others will suffer, so the State should punish those who break these rules. Before punishment is meted out, it

is the duty of the State to make inquiries to find out whether a particular rule has been broken, by whom and under what circumstances, and to punish the wrongdoer accordingly. This is called the function of administering justice.

**Voluntary Associations.** You will see from all this that the State is called upon to do many things. Even so, it does not, cannot, and ought not to do everything. There are certain things that the State should leave to the individual. We mentioned earlier that a person should have the freedom to follow his own religion. This means that the State should leave religion for the individual to decide. There are also certain other things which individuals would like to do because of their different interests. Some people may like to play cricket, others to play volleyball, some people may like to spend their spare time reading, others gardening and yet others dancing. Some may like to do social service and be helpful to other people; others prefer just to look after their families. Some things we like to do in the company or with the help of others. If we wish to play cricket, we form a cricket club, if we wish to produce and act in plays, we form a dramatic club. It may also happen that there are certain things that we can do only if we act together. If we wish to have a library in our village or town, we may get together and form a society to establish and maintain a library. If we find that we all work in the same kind of job, we may form an association to look after our interests as workers. If we are farmers producing vegetables, we may form an association to sell our vegetables instead of each of us trying to do so individually. If we are interested in the development of science, we may form an association for the development of science. Since we have so many different interests we form many different societies or clubs or associations. These associations may be cultural as in the case of a dramatic club, economic as in the case of a vegetable producers' association, or social as in the case of a community centre.

There is a very important difference between these associations and the association called the State. The State is a compulsory association. We have to be members of the State whether we like it or not. If we do not like one State we can escape it only by joining another. Since we have to be members of the State we have to obey the rules and regulations which the State makes. If we do not obey them we shall be punished. The State is the biggest and the most powerful association in

a society. Not only does it compel us to be its members ; it carries out many functions for us and so regulates our lives. It is for this reason that we also have the right to see that the State acts in the correct manner.

The other associations we mentioned are not compulsory associations. You may join a cricket club if you like, but you need not if you do not want to. You may join a club, a society or an association (they all mean the same thing), and after a time you may leave it if you do not want to remain a member. This is why these associations are called voluntary associations.

In a democratic society, voluntary associations play a useful part. Since the State is there only to organize the society in a democratic way, the rest of the life of the individual should be his to do with as he pleases. Voluntary societies or voluntary associations help a person to use the unregulated part of his life as he pleases. They are useful in enabling a person to use his time to give him recreation ; they are useful in enabling him to safeguard his interests as a producer of goods ; they are useful in defending his interests as a consumer (see the next chapter) ; and they are useful in safeguarding the democratic way of life by watching the way in which society is being organized.

Let us try to arrange in some order the various voluntary associations that we come across or hear about in our daily life. Firstly, there are the religious associations. If you are a Buddhist you may join associations for the practice or propagation of Buddhism. You may have heard of the Buddhist Theosophical Society ; the aim of this association is to help Buddhist education by establishing Buddhist schools. If you are a Christian you will be a member of one of the various Churches of the Christian religion, such as the Roman Catholic Church, the Methodist Church, and so on. No matter what your religion is, you will in all probability be a member of some religious association.

Then there are the various cultural associations. Associations for recreation, like sports clubs, and music, art, dramatic, literary and educational associations fall into this category. You may have heard of the Sinhalese Sports Club, the Tamil Union and the various Drama Circles. In practically every school you find literary associations.

There are also scientific associations. The biggest association of this kind in our country is the Ceylon Association for the Advancement of Science. The C.A.A.S. is a voluntary association for the study and development of natural and social sciences.

This association meets at least once a year, when the results of studies by scientists are placed before the association.

There are also certain associations for social benefit. These associations do certain things for the benefit of the whole of society. For instance, you must have heard of the Ceylon Association for the Prevention of Tuberculosis, whose name indicates what it is doing. This association studies ways of teaching people how to avoid this dread disease. The Lanka Mahila Samiti is an association of women for helping the women in our villages to lead a more useful life in every way.

Lastly there are the economic associations. Economic associations are of various kinds. Some of them are groups of traders who have joined together to look after their trade interests. For example, the Low-Country Products' Association, the Ceylon Merchants' Chamber and the Indian Mercantile Chamber are associations of this kind. Some economic associations are those of small producers like farmers. The Jaffna Malayalam Tobacco Sale Society and the Agricultural Producers' Sale Union are examples of associations of this kind. Some people also get together to look after their interests as consumers. The various Cooperative Stores societies are associations of this kind. In the next chapter we shall discuss the Cooperative Movement in greater detail, and we shall mention these societies again there.

**Trade Unions.** When a number of workers in a trade or industry or government department get together to look after their own interests as employees or workers, we call it a Trade Union. Trade unions are also voluntary associations. Although there is no space to describe all voluntary associations in detail, it will be useful to know something about some of them at least. In the next chapter we discuss the Cooperative societies in detail. Here we shall learn something about the trade unions.

Trade unions are voluntary associations which play an important role in a democratic society. Before we try to understand what they do let us learn something about their history. In this respect, the best thing we can do is to learn about the history of trade unions in Great Britain, because it is in that country that modern trade unions first developed.

In the 18th and early 19th centuries England experienced big changes in her economic structure. These changes, which made her the richest and most powerful country in the world, were so radical that they have been called the Industrial Revolution. The chief feature during this period was the rapid

growth of manufacturing industries, which brought large numbers of people to the towns. Since the condition of these people was not very happy, they began to join together into small associations to look after their interests. With time the number of these associations grew. By 1834 an attempt was made to bring these small associations into one large National Association, but it met with no success. Partly this was due to the fact that the aims of the National Association were too ambitious. It was hoped, for instance, that the workers would take over and run the industries.

In the early forties of the 19th century, however, associations of a new type came into being. The first of these was the Miners' Association, formed in 1842. The aim of these associations was limited: it was simply to improve the conditions of the working man and woman. There was a steady growth of these associations during the years 1850-1871. In 1864 the first national conference of the chief associations met, and out of this meeting grew up what is called today the Trade Union Congress. The Trade Union Congress is the association to which most of the trade unions in Britain belong.

Till very late in the 19th century trade unions were associations of skilled workmen, e.g. skilled technicians, builders, etc. In 1866 the dockers of London formed a trade union and by 1920 this had grown into the now very large and powerful Transport and General Workers' Union. Perhaps you have heard of Ernest Bevin, who was at one time Minister for Foreign Affairs in Britain. Ernest Bevin rose to prominence as the General Secretary of the Transport and General Workers' Union.

In Great Britain today, you find one of the most developed trade union organizations in the world. Great Britain has a population of about 50,000,000 (this includes small children as well); out of this population, about 10,000,000 are members of some trade union or other. Five-sixths of all these members are in big unions with a membership of over 25,000. In Britain today there are some 700 trade unions. Some of these are small but others are very big, having in some cases over a million members. Trade unions are generally formed not according to the industry but according to the occupation. For example, all the workers in the automobile industry, such as draughtsmen, planners, clerks, engineers, machine operators, fitters, etc. do not get together and form one trade union, but belong to several different unions. On the other hand the

mine-workers in Great Britain have formed the National Union of Mine-workers, and the engineers belonging to various industries have formed the Amalgamated Engineering Union. This principle of union according to occupation is not always followed, although it is a most important one.

From what was said above, it should be clear that workers belonging to one occupation generally have one national union to organize them. The task of organizing a large group of workers scattered throughout several industries and throughout the country cannot be done by the office of the national union only. The organization has to be spread over the whole country. In the large British trade unions the national union forms the head of a system of smaller organizations on a territorial basis. The large unions are thus organized into branches, a number of branches forming a district union, a number of district unions forming an area union and all the area unions forming the national union.

What are the functions which these voluntary associations perform? The first, of course, is to look after the economic interests of the union members. The unions therefore watch the interests of the workpeople in regard to wages, hours of work and conditions of work. Trade unions want to obtain reasonable wages, limited hours of work and fair conditions of work for the workpeople. They use several methods in performing their duties. They hold consultations with employers about these matters. This is called collective bargaining. The trade union bargains as a body for all its members. When trade unions and employers cannot come to an agreement among themselves they can use arbitration. The government appoints arbitration boards, or groups of people whose duty it is to listen both to the trade unions and to the employers and to make a reasonable decision.

Here are examples of the problems on which the trade unions bargain or go to arbitration boards. If the cost of living is going up, the workpeople may ask for higher wages. If they think they work too long and have little leisure, they may ask for the same wages for working shorter hours. If the surroundings in which they work are unhealthy or unsafe, they may ask for improvements in these conditions. The employers are not always willing to give these things because, generally, the more they give to the working people the less they have as profits, and in times of depression they may hardly be able to avoid losses.

This is why bargaining is necessary. Employers may prefer to come to an agreement with the trade union, or else they may have to give facts and figures to the arbitration boards to show why they cannot agree to their demands. In some cases, when consultation and arbitration fail, the trade union may call a strike. A strike means a stoppage of work. A stoppage of work is bad for employers because they have to incur certain expenses whether work goes on or not. They have to pay rent on the factory ; they have to maintain the machines, and the materials they bought for manufacture may be spoilt. Let us take an example from Ceylon. If there is a strike in a tea estate, the tea leaves may not be plucked in time and so may become useless ; the pruning and manuring may not be done in time and so the future supply of tender tea leaves may be affected.

At the same time, if the trade union cannot make the employers agree to its views even after striking (i.e. if the strike fails), the workers will lose their pay during the strike period, and working people can least afford to do so. A strike is therefore a risky thing both for employers and workpeople. Even so, at certain times the trade unions may think it worth while.

Looking after the economic interests of the working people is not the only function of a trade union. Often unions help their members to improve their knowledge by means of education. Some British trade unions send their members to Universities for higher learning. Trade unions provide cultural activities for their members by such means as clubs, and help members in times of difficulty such as death or sickness in their families.

British trade unions also play a very important part in British political life. They generally support the Labour Party ; they contribute a great deal to the Labour Party's funds and help the Party in election times by canvassing votes and in other ways. Most trade unionists are also members of the Labour Party. Many Labour Party men and women elected to Parliament are trade unionists, though not all members of the Labour Party are members of trade unions. There is no doubt, however, that the greater part of the support for the Labour Party in votes and in money comes from the trade unions.

The part trade unions play in the life of Britain shows how important they are for a democratic society. It also shows how important it is that voluntary associations should be permitted to work if democracy is to succeed. From this we must not think that in Britain trade unions work in a perfect way. Many people criticize the trade union organization in



Britain as having become bureaucratic, they say that its control is more in the hands of officials than in the hands of workers. Some people criticize them for other reasons, even so, British trade unions have reached a high degree of development, and there are many lessons which we can and ought to learn from them.

## CHAPTER V

# THE PRINCIPLE OF MUTUAL AID: COOPERATION

THE idea of mutual aid is not a new one. We saw in an earlier chapter that people in the villages of Ceylon often depend on one another to a great extent for assistance in their day-to-day lives. The villagers join together to carry out certain tasks such as ploughing because, while the labour of one man and his family may not be enough to carry out a certain task, he and his neighbours together may be able to do it in a very short time. His neighbours are willing to help him because they expect that he in turn will help them when they need help in their work.

**Why Cooperation?** Mutual aid was also a noteworthy feature of life in England before the agrarian revolution of the 17th and 18th centuries and the industrial revolution of the 19th century. These revolutions, however, broke down much of the old village and town life and the practice of mutual help that existed earlier. The change-over from wheat to sheep farming in many areas as a result of the agrarian revolution meant that far fewer men were needed on the land; so great numbers of farmers and farm labourers were forced to leave the villages and go to the towns or abroad in search of employment. A great many farmers also lost their means of employment when the landowners fenced in large areas of land which had previously been cultivated by peasant farmers. Great numbers of agricultural workers therefore went to the new industrial towns, where they found a life very different from the one they were used to.

The new industrial towns had grown rapidly and without any regard for the health or convenience of the people who lived in them. They were unhealthy, with crowded houses and no proper drainage or water supply. Many of the people were diseased and underfed and so died young. In these years the employers generally paid just sufficient wages to keep their workpeople alive. As the workpeople were unorganized, and as there were also periods of considerable unemployment, individual workmen were in no position to bargain with their employers and so were forced to take what wages they were offered. The skilled workmen in the towns also found themselves being gradually displaced by unskilled workmen and by the new machines which

could produce goods very much more cheaply. They had therefore to join the ranks of the growing numbers of unskilled workmen in the towns. With their very low wages, these workpeople bought their food from tradesmen who were frequently very dishonest. These tradesmen gave short weight and charged high prices. They also adulterated the food in order to make greater profits, for instance, they added chalk to flour and water to milk. Sometimes the food they sold was not merely unwholesome but actually endangered life.

Some of these people, who had led healthier and happier lives when they had been working in agriculture or as skilled workmen, tried to improve their conditions. In the first half of the nineteenth century these efforts took several directions. Some formed associations like trade unions to try to get higher wages and better conditions of work for their members. Others turned to Parliamentary methods and thought that if only the working people had the vote then their standard of living could be raised by governmental action. Others thought that if the workmen would 'cooperate' they could enjoy a better standard of living.

The workmen had only their labour to sell. The employers generally supplied the machinery and raw materials and hired the workmen to make goods ready for sale, paying them a very low wage. They then sold the goods for as high a price as they could get. The employers paid for the raw materials, machinery, labour, transport, etc. needed to make and sell the goods. The difference between these costs and the amount of money they received from the sale of these goods was the profit which the employers received. Often the employers' income became very large as trade increased and the volume of goods they sold grew larger.

During the 1820's in England some people asked themselves why the workmen who made the goods for sale should get such low wages for their very long hours of work and still have no certainty of employment. It was thought that if workpeople could produce the goods ready for sale, it should be possible for them to sell the goods and obtain the profits for themselves. So many societies were formed in which the members saved and borrowed enough money to buy the tools and raw materials they needed and set themselves up as cooperative societies. When they had made the goods, they generally sold them in their own shops. Instead of selling their labour at a wage to an employer, they worked together to produce things for sale and received no money for their work until they had sold the goods they

produced. Many members of these societies came from among the skilled workmen whose skill had been made useless by the coming of machinery. These people were used to the idea of helping themselves and one another and so were prepared to take the responsibility of a more independent way of life.

These societies of the 1820's were begun with enthusiasm, but they did not last beyond the 1830's. Enthusiasm for the co-operative idea continued even though the societies had failed financially. People could not understand why some at least of these cooperative societies were not able to continue once they were formed. The difficulty was that, while members were prepared to produce goods together, they did not always buy enough from their society to keep it going. In 1844 a new type of society was formed which deliberately set out and succeeded in giving an incentive to members to buy from it and to attract new members. The founders of this society are known as the Rochdale Pioneers. Since a cooperative did not exist to make profits, it was possible to make the customer pay less for the goods he bought. The idea of reducing prices was risky, however, since the costs of running the store could not always be predicted with accuracy, and if too low prices were charged the society could go out of business. On the other hand, if the society charged normal prices for the things it sold, and if at the end of certain intervals, say once a year, it had a surplus over and above the total costs of running the store, this surplus could be divided among the members according to the value of the goods they had bought from the cooperative store. This was the successful idea which the Rochdale Pioneers thought of. The members were encouraged to buy from the store since the more they bought the bigger was the dividend they received. If prices had been made lower, the buyers would not have appreciated how much money they were saving by belonging to a cooperative society, but when they received the dividend in a lump sum they saw that there was a definite saving. The people who ran the store were also the people who bought from the store, so they had a definite interest in seeing that the things they sold were of a good quality, and so the cooperative movement did much to improve the health of the people in England. These consumers' societies also did much to destroy credit trading, by which most of the working class were more or less permanently in debt to the shopkeepers.

Active cooperation in England, however, had been mainly confined to a few industrial towns in the Midlands. By the

1860's, when the success of the Rochdale Society had been demonstrated, the number of cooperative societies increased, especially in the industrial areas of the Midlands and in the North. The emphasis, however, was on cooperative consumers' societies of the Rochdale variety rather than on the original cooperative producers' societies, since the former had proved the more successful.

The cooperative idea in England spread to agriculture at the same time, but there was no agricultural cooperation of importance until the turn of the 20th century. Even then the cooperative movement in agriculture was mainly begun and kept going not by small farmers but by medium and even large-scale farmers. This is in contrast to the consumers' cooperative movement in the towns which has been almost entirely run by the working class.

The idea of cooperation was not confined to England. While in England people like Robert Owen were developing and encouraging the idea of cooperation, Charles Fourier was doing the same in France, and Schulze Delitzsch and Raiffeisen did all they could to promote cooperation in Germany. In the 1890's the success of the cooperative movements in Denmark and Sweden, especially in agriculture, was becoming well known. Other countries such as Finland, Norway, Switzerland, New Zealand, Australia and Canada also have well-developed cooperative movements, especially in agriculture.

The cooperative movement in many countries of Europe proved both successful and popular and was of a purely voluntary nature. In many countries, where the cooperative movement did not begin voluntarily, the state has actually tried to encourage the formation of cooperative societies, as for example in Ceylon and India, because it is thought that cooperation can benefit the people, especially in underdeveloped countries. Cooperation began in England and in other Western countries as a voluntary movement, largely of the poorer classes. It succeeded because they saw the advantages which they could derive from this new system of economic organization. It is because governments of underdeveloped countries also noticed these benefits that they decided to encourage the cooperative movement in their countries. Let us therefore now try to understand what is meant by cooperation and what its benefits are.

Cooperative societies are voluntary associations and only those who are interested need join. The members of a cooperative society expect by working together to help themselves more than

if they were working individually. There is no restriction on membership for those who are genuinely interested in the purposes of a cooperative society. By buying one share of the capital of a society, a person can become a member. If he wishes to buy more than one share he is permitted to do so, although many societies prefer that any one member shall not hold too great a number. Whereas in most ordinary business ventures, the more shares a person has, the bigger is his influence in the running of the business, in a cooperative society, whether a man owns one share or many, he has only a limited amount of influence. In a cooperative society members have equal voting power, whether they are rich or poor, young or old, owning one or more shares. Members exercise influence through their participation in the activities of the society and not because of the number of shares they have bought. They vote to elect a committee which will carry out decisions on behalf of the members. A President, Secretary, Treasurer and Committee are chosen, because a small group responsible for making and carrying out decisions is generally more efficient than if the whole society has this task. The ordinary members have the opportunity of expressing their views at the general meetings of the society, and if enough members are dissatisfied with the way the society is managed by the committee, a new committee can be chosen. The capital subscribed by the members by buying shares is used to provide the equipment necessary to enable the particular society to function. For instance, a consumers' society will need premises and goods for sale, while an agricultural producers' society may need transport or equipment.

**Advantages of Cooperation.** There are both political and economic advantages to be derived from cooperation. Co-operative societies provide a good training in democratic methods. We have seen already that each member has equal voting power, and therefore if one man exercises more influence than another in the society it is due to his greater interest and more forceful personality. The cooperative society also gives an opportunity for discussion of the problems and policy of the society at its meetings. Members who show enthusiasm and interest and who can convince other members of their suitability can expect to become office-bearers.

Since the greater part of the membership of cooperative societies comes from the poorer and generally less educated members of a country, it gives an opportunity for these people

to develop self-confidence and to realize their importance as individuals. Since they join the society because they are interested in the purposes of the society and gain financially when it succeeds, they can be expected to take an active interest in their cooperative society. Since there is the possibility of the need of more than one cooperative society in a village or town, a person may belong to more than one society, and there is a greater chance of his sitting on a committee than if there were only one cooperative. Cooperative societies can provide as much or more opportunity to the ordinary citizen for training in democratic method as local government can. In fact, in certain countries, many people elected to local government bodies and even to Parliament received their democratic training in cooperative societies.

There is a further training in democratic ideas to be obtained from cooperative societies. Loyalty to and belief in cooperation are important factors in the success of cooperation. These qualities, however, are not enough without intelligent and efficient management of the cooperatives. If a cooperative is not efficient it cannot be expected to last long. On the other hand, if a majority of the members do not take an active interest in the cooperative society its management may get into the hands of a few people, who may abuse their power; and the corruption resulting may cause the society to close down.

Cooperative societies are business ventures which have to succeed financially if they are to continue. Since, however, they are organized to benefit all the members, they can rouse a desire among some of the members to work without personal reward. Whereas in an ordinary commercial establishment the employees may be prepared to do the work which they have to do but no more, a cooperative enterprise can sometimes stimulate members to work far harder because they see in it a form of social service. If cooperation can encourage people to work for the common good without personal reward it is indeed a great help to a democratic society.

Many countries in the world today need to develop their economic resources in order to raise the standard of living of their peoples. This could be done by private enterprise, State enterprise or cooperative enterprise. Private enterprises are meant to secure the maximum profits for the owners of the business. If the supply of better goods or better services to their customers increases profits then they will probably try to supply better services or better goods. If they are too inefficient, they go out of

business. Their workpeople generally have no voice at all in the management or policy of the business unless their trade unions are very strong, even though the workpeople are interested in the success of the business, since their livelihood depends on it. It is true that State enterprise can bring many benefits because the State is in a position to plan for the good of the people. Yet State-managed business concerns can sometimes be inefficient from the business point of view and the taxpayers may be called upon to pay for their losses. As they are now organized in some countries, they also have the disadvantage that the workpeople rarely have a voice in the management and policy of a State enterprise. The success of a State enterprise depends on many factors such as an honest and efficient government, an incorruptible public service with imagination, initiative and enthusiasm and an alert public opinion. All these can be obtained only with great effort. A cooperative society, however, can work for the benefit both of its customers and of its employees and still be financially successful. Successful cooperation also depends on an alert membership, honest officials and on executive committees which consist of honest people willing to work for the common good. Unlike State enterprises, where these qualities are needed on a national scale, cooperation can be successful if these qualities are found among small groups of people. This is why cooperation should have a greater chance of success than State enterprises in certain countries.

A cooperative society can decide its own policy. An industrial producers' society, for instance, can ensure reasonable wages and conditions of work and maintain a standard in the goods it produces. An agricultural producers' society can, by encouraging both the competitive and the team spirits, get as high prices for their members' goods as possible and give high quality goods to the public. The members can help each other by giving the benefit of their experience to one another. A consumers' cooperative can serve the public because its owners are its customers. Its function is not to make as big a profit as possible but to serve its members as efficiently as possible, which means that it should provide high quality goods at reasonable prices and a dividend at the end of certain periods. If a high dividend is obtained by selling inferior goods then the cooperative is failing in its purpose. Since the employees of a cooperative are nearly always members of it as well, they can have some voice in the decisions of the cooperative. Cooperatives can make their members feel that they have greater control over their economic life



than they would otherwise have. The consumers can feel they are getting value for their money, and the dividend gives them a saving which they might otherwise find it impossible to make. The producers' societies give their members the feeling that they are individuals responsible for their own economic fate instead of people dependent on the decisions of an employer or the public for their livelihood.

Cooperation can make poor people the owners of business and also permit the poor to help towards finding the capital necessary for the country's economic development. As individuals they would not have enough capital to begin a business, but as a group they may be able to begin a small business and as time goes on to develop it. The savings in the form of dividends that a consumers' society can make for its members can also be used by members to increase the capital of the society or even to lend to other societies. Cooperation can result in a more equal distribution of the country's wealth; it can also permit the poor man a greater share in developing the country's wealth. Therefore cooperation can provide an alternative way of developing the country, either in place of or in addition to private or State enterprises.

Cooperation can also help to reduce waste of the country's resources. Private enterprise produces goods in the expectation that the consumer will buy them. People who engage in private enterprise spend a great deal of money on advertisement to persuade the public to buy their goods. Very often the public is persuaded to buy and the business continues to exist. But a lot of money has to be spent on advertisement, which only helps to increase the price to the consumer. Sometimes, in spite of advertisement, the public refuses to buy and the goods produced go to waste. It is true that the businessmen may go out of business for their failure to estimate what the public wants, but employees lose their employment and the resources of the country are wasted. With cooperation there should be less occasion for waste. Instead of producers trying to tell consumers what they ought to like, consumers through the cooperatives can tell producers what they want. This avoids waste of production and the need for advertisement. Of course, private enterprise businesses sometimes introduce new and valuable articles to the public and have to advertise these goods to let the public know about them. However, while money spent on introducing a new article to the public may be money well spent, the money spent on publicity campaigns to increase the sales of rival brands of goods is money

wasted. Cooperation should therefore be able to give better service to the consumer more cheaply and prevent waste of the country's resources.

It is a fact that people are generally far more careful with their own things than with other people's. People may be careless with things that belong either to private enterprise business or to the State. In either case they feel they have no part in the ownership. Members of a cooperative society, however, often feel a sense of responsibility for the property and equipment of their society since they feel it is their property. They themselves will be more careful with the property of the society and will take an active interest in seeing that others do the same.

In many countries cooperative societies have also been formed to deal with such things as housing and insurance. When the cooperative movement is strong they often do more than care for the economic interests of their members. Once they get established, they attempt to provide educational and cultural facilities as well. Sometimes they offer educational facilities for their members to learn more about cooperation; sometimes they form such things as music or choral societies; sometimes they set up libraries or social centres where meetings and dances are held. These things are considered useful for the members not only for the amenities they provide but as further opportunities for the members to take an active part in the society. Sometimes cooperative societies can do much to change the ways of a village. For instance, many people agree that far more money is spent on weddings than can be afforded, yet many of these same people still get into debt for this type of thing. Generally they continue to act in this way because each person is afraid of losing prestige with his fellows. But it has been found that if a group like a cooperative society has discussed the matter and decided that the practice of getting into debt for such purposes should be discontinued, members often have had the courage to do so because they feel they are not alone.

We have seen that the advantages of cooperation are many. Cooperation helps to train its members in democratic methods. It helps them to feel their importance as individuals and to have greater control over their lives. It is an alternative to State and private enterprise in developing the country and is a means of allowing the poor man to play a fuller part in its development. It can give a better income to the producer and better service to the consumer. It can also help its members in other ways to make their lives fuller and more useful. Because of these

advantages of cooperation, in Ceylon too an effort has been made to develop the cooperative movement. In contrast with England and many Western countries, cooperation in Ceylon was begun and fostered by the government. Whereas in some Western countries the governments disapproved of cooperation as contrary to government policies of the time, in Ceylon the government exercised some control over the movement from the beginning in order to safeguard and promote it.

**Cooperation in Ceylon** In 1912, the Cooperative Credit Societies' Ordinance was passed which made provision for the setting up of credit societies only. In 1921, an Ordinance was passed to permit the establishment of other types of cooperative societies also. Government supervision of the movement was ensured in the same year by placing the Director of Agriculture, who received the title of Registrar of Cooperative Societies, in charge of it. It was later thought that the work of the Director of Agriculture and the Registrar of Cooperative Societies should be separated, and so a new department under the Registrar of Cooperative Societies was set up. Even so, before the Second World War the cooperative movement had not developed to any noteworthy extent. The Second World War resulted in a great increase in the number of consumer cooperative stores since these were thought to be the best way of distributing rationed foodstuffs and other goods. Thus Ceylon's cooperative movement really began to develop during the Second World War. In order to encourage cooperation further, another department was set up in 1945 called the Department of Cooperative Development. In 1952, this department and the department of the Registrar of Cooperative Societies were made into one. For the better administration, supervision and encouragement of cooperation, the Department of Cooperative Development has divided the country into Divisions, each in charge of a Divisional Assistant Registrar. There were 16 Divisional Assistant Registrars in 1952. These Divisions are further divided into Circles, with a Circle Inspector and Sub-Inspectors in charge of each. The Department registers cooperative societies to give them legal status, so that they can carry on business. It sends its Sub-Inspectors to audit the accounts and to see how efficiently the societies are performing their functions. It also gives loans to societies in order to help them, and keeps a close watch over these societies to make sure that the money is being used in the right way.

There is a great variety of cooperative societies in Ceylon, but we shall only discuss the most common types. Before we do this let us see how a cooperative society, whatever its type and whatever its purpose may be, comes to be formed. The first thing necessary is that enough people should be interested in forming a society. Very often people will have their interest roused by officials of the Cooperative Department, by such means as lectures and discussions. There must be a group of at least ten people wanting to form a society before a society can be formed. A committee, a President, Vice-President, Secretary and Treasurer must be elected. The society has to be registered by the Registrar of Cooperative Societies in order to carry on the functions for which it was formed. Nobody will be interested in doing any kind of business with a society which is not registered since it has no legal existence and cannot be sued should this become necessary.

Once the society is registered, the committee can call for applications for membership. Applicants must not be under 18 years of age and should be resident in the area. Unless a person is of known bad character or thought not to have the society's interest at heart, he will normally be admitted as a member on payment of an admission fee and on signing the register. Each member should also hold at least one share. In certain societies, for instance marketing and production societies, the cost of one share may be too high for the poor people who wish to join to pay at once. In such cases, a person is very often permitted to become a member on paying part of the value of the share, and pays the rest off gradually.

Money is raised by the sale of shares to get capital for the society to function. Societies generally make it a rule that part at least of their profits should be used to increase the capital of the society. Often money can be borrowed from the government or from the Cooperative Central Bank.

The whole purpose of a Cooperative Thrift Society is to encourage saving among its members. It is meant mainly for the poor, although there are a number of thrift societies among public servants. The reason why it is meant for the poor is that this class of people generally either feels it does not have anything to save or that it is too much trouble to deposit its small savings in the Post Office Savings Bank or in National Savings stamps. Thrift societies encourage members to save each week a regular amount, however small, and if possible for a definite purpose, say for a daughter's dowry, for then they have a real interest in

seeing their savings grow. It is better not to fix the weekly sum too high to begin with, since the members may become discouraged. The members get  $1\frac{1}{2}\%$  to  $2\%$  interest on their savings. It has been suggested that the rate of interest is too low to encourage savings. Although the purpose of the societies is to encourage savings they also give loans. At the end of 1954 loans to members amounted to Rs 2,472,900 out of total savings of Rs 8,724,000. About three-quarters of these loans were for productive purposes, but, considering the original purpose of thrift societies, too much money was being borrowed.

This type of society is not as popular in Ceylon as it might be thought. At the end of 1954 there were only 368 of these societies, of which just under half were women's thrift societies. Women's thrift societies are showing an increase in numbers and do not use the loan facilities much. In fact, thrift societies are quite successful among the people they are supposed to help most, and they are useful for introducing the cooperative idea to their members. They are a type of cooperative society which is simple to understand and which almost anyone can join.

Credit societies also encourage saving among their members but they also exist for the purpose of giving loans. Credit societies can give two types of loans. The first type is one that is given on the judgement of the committee regarding the applicant's willingness and ability to pay back the loan within the required time. This type of loan is granted for productive purposes and on the committee's trust in the character of the member applying. Before the member gets the loan he has to find two other members who are willing to guarantee his debt and who will therefore be called upon to pay if he does not. Generally this type of loan is given for periods of 12 or 18 months, according to the nature of the purpose for which it is required. However, really strong credit societies have been permitted to grant loans for three- to five year periods for such purposes as the building of houses or the sinking of wells. It is intended that the borrower shall not be asked to repay the loan before he has had time to get a return on the money he has borrowed, but it is also meant to make sure that he has repaid the loan before he has had time to spend the money that he obtains from using the loan.

The second type of loan is of a different type, and has only been permitted since 1954. A credit society gives loans on the security of something valuable, jewellery for instance, which is deposited with it. This means that loans can be granted for purposes which are not necessarily productive but without any

risk to the society. The society acts as a pawn-broker and gets a low rate of interest on the money it lends. If at the end of the time for which the loan is granted the borrower is unable to repay the loan he may be given extensions of time to enable him to pay.

These two types of loan are both meant to protect the borrower, whether he borrows for productive purposes or for unproductive purposes like a wedding, from money-lenders who charge an extremely high rate of interest. The village farmer who borrows from the village trader may find that after he has paid back his loan and the interest on it, he has very little left for himself. People who wish to borrow money for a wedding or for an illness in the family may find themselves permanently indebted to a money-lender, or lose whatever jewellery or property they have to him. Both types of loan were brought into being to protect the borrowers from traders, money-lenders and pawn-brokers. In order that societies shall have sufficient funds to give these loans they often borrow from the Provincial Cooperative Banks.

Credit societies are of two kinds, those with limited liability and those with unlimited liability. If a society has unlimited liability it means that if a society should be unable to pay back money it had borrowed (say from the government) part or, if necessary, all the property of all the members of the society would have to be given up in payment of the debt. If a society with limited liability is unable to pay its debts the liability of the members is limited to the value of their shares. This may sound unfair, but it may be that the total sum obtainable from the property of the members of a society with unlimited liability is less than the total obtainable from the full value of the shares of a society with limited liability. Partly this is due to the fact that there are generally considerably more people in a society with limited liability than in the other type. Members of a society with unlimited liability are often very poor so that their total property does not amount to much.

Societies with unlimited liability are found in rural areas. Since the members are generally very poor they are not able to raise much capital by selling shares. Their willingness to settle debts is shown by having unlimited liability which offsets their low capital. Since their liability is unlimited these societies must not get too big, for it is essential that all the members know one another well and can keep an eye on one another to make sure that members pay back what they owe. People who take loans will also feel more responsible if their creditors are their neighbours than if they are people far away. Since members run the danger of

losing their property if the society makes too many unwise loans, the committee is more careful in the granting of loans, and for this reason may be less likely to fail than if it had limited liability. On the other hand, since the members of the society all know one another well, the committee may find it rather difficult to refuse credit to old acquaintances. When people borrow money on credit without any security it should be for productive purposes, and so loans are generally made for cultivation.

The number of credit societies with unlimited liability at the end of 1954 was 2,806, with a membership of 94,475 and a total capital of almost Rs 7 million. This type of society has been progressing quite well in numbers, membership and turnover. Unfortunately, by the end of 1954 there were many loans overdue, in some places as much as 50 per cent. This shows that the committees had not shown enough discretion in making loans and had given extension too easily.

Credit societies with limited liability are to be found in towns. In a society where all members may not know one another and where the sense of loyalty may not be so great it is better to have limited liability. The value of a share and the number of members in a limited liability society are greater than those in an unlimited liability society and so the value of the share capital will be high. This type of society gives credit for such things as trade, medical help and cultivation. It is made use of by women for petty trades and to deposit money.

These societies are not nearly so active as the societies with unlimited liability. At the end of 1954, there were only 140 societies with a membership of 12,533. Since 1954, when societies were permitted to take a security for a loan, it is possible that the societies are being used more. Although they could serve a useful purpose in urban life, it is the rural credit society which *could do most* for the country since many villagers often need loans to be able to cultivate their land, while town dwellers are often workers, who may be in need of loans but not generally for productive purposes. If credit societies were to do their best for the rural areas it has been estimated that twice the number that there are now would be needed, in order that all villages could be properly served.

Before the Second World War, consumers' cooperative societies were neither numerous nor an important part of the cooperative movement. It was only during the war, in 1942, that their numbers and membership increased. Consumers' stores were used by the government to distribute rationed goods to the

people at fair prices. By the end of 1954 there were 3,044 societies with a membership of 762,018.

A consumers' cooperative store sells goods at fair prices. At the end of a period, say six months or a year, it will find that it has more money than is necessary to meet the costs of the store. The cooperative store does not exist to make profits for its owners but to sell high quality goods at fair prices to the consumers without going out of business. Instead of charging lower prices for the goods, the societies give back a proportion of the surplus according to the amount of purchases each member makes. Although non-members can buy from the stores they do not get any dividend. Part of the surplus goes to build up the capital of the society and sometimes, when the capital is very low, the members may vote that all the surplus should go to increase the society's capital.

Even though there are a large number of societies with a large membership, this form of cooperation is not as strong or active as it might appear from the numbers. Members often buy little more than their rations at their store. The main cause of this lack of interest is probably the fact that consumers' cooperatives give no credit unless it is guaranteed. People often prefer to go to the trader who gives credit, although they have to pay higher prices. It has been suggested that this problem of credit might be overcome if it were easier to get credit from credit societies. This may be possible with the new power of the credit society to give loans more freely on reasonable security. Because they do not buy so very much from the consumers' stores members are not as alert as they should be, and stores have to be closed down too frequently because of mismanagement and corruption.

The Cooperative Wholesale Establishment is under the administration of a Board of Directors appointed by the Minister. It was begun in 1943 as a branch of the Department of the Registrar of Cooperative Societies. In 1945 it was transferred to the Department of Cooperative Development which had just come into being, and the Board took it over in 1950. Eventually it is intended that it shall be handed over to the cooperative societies to manage for themselves.

The function of the Cooperative Wholesale Establishment is to supply the cooperative stores with the goods they need. It buys directly from producers and suppliers from abroad wherever possible. If necessary it will start producing the things needed by the societies. Since the Board took over, the



Cooperative Wholesale Establishment has shown an increase in the volume of business, and in 1952 the turnover was Rs 99,719,463. In the same year the staff numbered 1,949 and it had a transport service of 119 vehicles. The Cooperative Wholesale Establishment has reduced its outstation branch depots to 11 since it intends to have only one depot in each province. It has its own Insurance Department, begun in 1951, and its own Printing Department, begun in 1952.

The Cooperative Agricultural Production and Sales Societies exist to encourage farmers to increase their production and to dispose of their produce at reasonable prices. They give loans on reasonable terms to the farmers and try to get the best prices for their produce. In villages where there are no societies, the farmers would normally have to go to the trader and buy from him on credit all they needed for their work. The trader charges high prices and a high rate of interest for the goods he supplies on credit. When harvest time comes, since there is often only the one trader, the farmer goes to him to sell his produce. The trader gives a low price and often cheats the farmer with regard to the quantity and the quality of the produce. The credit societies take the place of the traders in giving credit and in disposing of produce, but on the best possible terms for the farmers.

In the granting of loans, the character of the applicant and the purpose of the loan are taken into consideration. Loans are granted for certain periods according to the purpose for which the loan is obtained; for instance, six months is allowed for the repayment of loans granted for cultivation, while five years is allowed for loans for irrigation pumps and the digging of wells. The farmers are not asked to pay before the end of the agreed period because the committee knows that it is difficult for them to do so. The time granted is estimated to be just enough for the farmer to get a return if he uses the loan correctly. On the other hand, the committee does not give the farmer more time to pay than is necessary since it wishes to make sure that he repays the loan and is not tempted to spend the money on other things. If the farmer can show good cause why he cannot pay, for instance crop failure due to drought, then the committee will give an extension. In order to protect the farmers both from themselves and from traders, the loans are given as far as possible in the form in which they are required. The society will buy wholesale such things as manure and paddy seed and give them instead of money to the farmers if it is for those things that

the money is required. The farmers are thus prevented from using the loans for wrong purposes. They are able not only to get their supplies at reasonable prices but at cheaper prices, since the society buys wholesale.

Although these credit facilities are of great help to farmers since they are no longer dependent on the trader, they are inadequate without some means of disposing of the produce at fair prices for the farmers. These societies undertake the task of collecting, transporting and selling the farmers' produce, which would otherwise be done by the trader. The disadvantage when the trader performs these necessary services is that he takes too high a profit at the expense of both producer and consumer. For these purposes a society often gets a van as soon as possible. This aspect of agricultural production and sales societies is often the first concern of new societies. When a farmer sees that he can dispose of his produce at better prices through the societies, it encourages him to produce more.

When a society gets sufficient capital it often decides to buy some equipment that could be of use to all the members, for instance a van or a tractor. Societies at Minneriya, Tampalakam and Vavuniya, for example, have their own rice mills, which enable their members to get much higher prices for their paddy than if they had to sell their paddy to private mill owners.

If this type of society is to function at its best, it should not cover too large an area, certainly not more than 10 square miles. Firstly, as with credit societies with unlimited liability, it is essential that members should know one another and see to it that people who have borrowed money from the society are making good use of it and are repaying it at the right time. Secondly, in practice, the marketing side of these societies is quite difficult since it is not easy to persuade the farmers to deliver the produce punctually or even to deliver it at all, though they may promise to do so. On some days a farmer feels too lazy, or has to go to a wedding, or it may be too far to go to deliver the produce when the weather is bad. Sometimes the farmer prefers to sell his produce to the trader and get his money at once rather than give his produce to the society, which he may not trust at first, and so have to wait for the money. Quite often, traders afraid of losing business to the societies go out of their way to give farmers credit and buy their produce. Therefore it is easier for farmers to give their produce on trust to their society when they know all the members, and the problem

of collecting the produce is easier when the society does not cover too large an area

At the end of 1954, there were 779 of these societies with a membership of 186,968. Taking into consideration the fact that these societies should not cover too large an area, it is estimated that Ceylon needs about 1,500 with a membership of 500,000. If these societies were formed and fully used they could do much to free the farmers from debt and to give them a higher standard of living, both by obtaining higher prices for their produce and by encouraging them to produce more.

Another example of a sales society is the Cooperative Fish Sales Union which sells the fish of the cooperative fishermen's societies. The Union takes over the task of storing the fish and selling it direct to the public, this would otherwise be done by traders, who would make an undue profit for doing the work. The marketing of fish by the Union began on a fairly large scale in October 1952. There are other types of cooperative producers and sales societies such as the Cottage Industrial Societies, the Jaffna Malayalam Tobacco Cooperative Sale Society and societies for the production of tea and rubber.

Cooperative Provincial and District Banks exist to help cooperative societies by raising loans for them. The banks are owned by member societies who have to buy shares in them. Deposits are received from cooperative institutions, the government, individuals and other sources. By far the greater part of the deposits in 1954 came almost equally from cooperative institutions and the government. These deposits, the share capital, and loans from the Cooperative Federal Bank go to form the working capital of the banks, the amount available for this purpose at the end of 1954 was Rs 22,400,000. The Provincial Banks deposit money in the Federal Bank and obtain loans from it on behalf of the cooperative societies. The Federal Bank's working capital at the end of 1954 was Rs 9,800,000, as compared with Rs 3,700,000 at the end of 1951.

The cooperative movement in Ceylon is not as strong as it should be in terms of numbers, nor with regard to the quality of the societies. In 1954 it was suggested that a great number of societies should be closed down owing to corruption and mismanagement. This would not occur if members truly had the cooperative movement at heart. They would be careful to select the right men for the committees, not those with 'status' only whom they are afraid to criticize adversely. They would make sure that the employees did not gain control of societies. The

members need more education in cooperative principles, which will require a great deal of patient work. Greater efforts will have to be made to attract the right kind of people into the movement.

Part of the lack of responsibility of the societies may be traced to the fact that cooperation in Ceylon has not come from the people themselves but has had to be fostered by the government. The government has the difficult task of encouraging cooperation without damaging its voluntary nature and the idea of self-help. It is worth the effort to foster cooperation in Ceylon, for it can raise our standard of living, as it has done in other countries. It can create better citizens, since successful cooperation requires self-help, a sense of responsibility, mutual aid, orderliness, foresight and punctuality. It can relieve rural and urban workers of much of their debt and give them a new attitude to life. When we develop the cooperative movement to the full, then Ceylon will be a far healthier and happier country.

## CHAPTER VI

### PROGRESS TOWARDS DEMOCRACY

IN an earlier chapter we mentioned that a democratic society should be so organized as to make the 'good life' available to all. This organizing is done by means of an association called the State, which acts through its agent—the government. Now, of course, no government has ever reached a level of perfection, every government has made some kind of error or another. As citizens in a democratic society we have a right and a duty to know how our government is carried on and, if we think that any improvements could be made, to let the country know about them. It is only by knowing the way we govern ourselves that we can find out how close we are to democracy. Then we will know what rights we ought to defend against encroachment and what rights ought to be established before we can achieve a state of complete democracy.

The way we govern ourselves is the result of many factors and its history is certainly one of the most important pointers to a clear understanding of it. This is the reason why we should start with an understanding of how we came to govern ourselves as we do now.

**Constitutional Evolution, 1796-1931.** You already know that from the beginning of the 16th century Ceylon was subject to several foreign conquests. In 1505 the Portuguese came to Ceylon by accident, and remained as rulers of the maritime provinces for about 150 years till the Dutch drove them out. The Dutch in turn were defeated and expelled by the British, who came to Ceylon in 1796. The British attack on the Dutch in Ceylon was part of a war between Britain on the one hand and France and her allies (including Holland) on the other. When this war was brought to an end by the Peace of Amiens in 1802, Ceylon was ceded to Britain. In 1802 Britain made Ceylon (only the maritime provinces as yet) a Crown Colony. A Crown Colony means a British colony which is governed directly and solely by a Governor appointed by and subject to the British Government.

In 1815, the independent Kingdom of Kandy came under the control of the British, and for the first time in centuries the whole of Ceylon became subject to a single ruler—the British

Government. Even so, the administrations of the Maritime and Kandyan Provinces were kept largely independent of each other. The administration in Colombo interfered little in the day-to-day matters of the Kandyan. A British official called a Resident was appointed to keep a very general supervision over Kandyan affairs.

The financial position of Ceylon during the subsequent years proved to be unsatisfactory, and largely as a result of this the Colebrooke Commission was appointed to inquire into the conditions of the country. The Colebrooke Commission, having done so, made certain recommendations about the government of Ceylon, and these recommendations were accepted by the British Government. As a result, there was a change in the way Ceylon was governed in 1833.

Firstly, the whole of Ceylon was brought under a unified system of administration. This unified administration or government was in the hands of a Governor, an Executive Council to help him in executive matters and a Legislative Council to advise him in making laws. The Governor was still the person responsible to the British Government for the administration of Ceylon. The Executive Council was to assist him and the Legislative Council was purely advisory. That is to say, none of these bodies could compel the Governor to do anything he did not want to do. The Executive Council consisted of the chief government officials. The Legislative Council consisted of ten officials and six non-officials, all of whom were nominated. Of the non-officials three were Europeans, one Sinhalese, one Tamil and one Burgher.

You will see that at this time Ceylon was not governed in a democratic way. As in the case of Britain, the government of Ceylon came nearer to democracy only after a long time and at a very slow pace. This change took place in two ways. One way was by placing the control of more aspects of the government of Ceylon in the hands of the body which could pass laws—till 1931 this body was called the Legislative Council—and the other was by placing the control of the Legislative Council more and more in the hands of the people. Between the years 1833 and 1910, a good many aspects of the government of Ceylon were placed in the hands of the Legislative Council. Gradually the power to pass laws on most matters of government and the power to give or withhold money in regard to the operation of these laws came into the hands of the Legislative Council. At the beginning of the 20th century, therefore, the Ceylon Legislative Council

a great deal of power, subject only to the overriding authority of the Governor and the British Government

The Legislative Council, however, was still controlled by the officials, who were in a majority in it, although the policy of associating the people of the country in its work was begun as early as 1833 by nominating three Ceylonese. This was a beginning, though hardly important enough from the point of view of democracy. Yet from 1910 onwards the important thing about constitutional changes in Ceylon was the way in which the Legislative Council came by gradual stages under the control of the people. Firstly, more non-officials came to be appointed to the Legislative Council. By this means the influence of persons who were not government officials was increased. Secondly, more and more of the non-officials were chosen from the Ceylonese, although at first many non-official members of the Legislative Council were European planters and commercial men. Thirdly, more and more of the Ceylonese non-officials came to be elected by the people of Ceylon.

If you study the changes in the government of Ceylon during the years after 1909 you will see how this development happened. For instance, in 1912 the composition of the Legislative Council of Ceylon was changed. The number of members in the Legislative Council was increased to twenty-one. Of these, eleven were officials and ten non-officials, four of the non-officials were elected. In 1920 there was another change. The Legislative Council was made to consist of thirty-seven members, but there were now only fourteen officials while there were twenty-three non-officials. Of the non-officials sixteen were elected. In 1924 the membership of the Legislative Council was increased to forty-nine, this time there were only twelve officials to thirty-seven non-officials, and of the non-officials twenty-nine were elected. You will see, therefore, that in 1924 the Legislative Council had twenty-nine elected members as against twenty nominated non-officials and officials. In effect the Legislative Council could now be controlled by the elected members, and whatever power the Council had was now in the control of the elected members if they wished to use it. By this means the control of the Legislative Council came in 1924 into the hands of persons who were responsible to the people of Ceylon who had the vote.

The election of the members also came gradually more and more into the hands of the people of this country. At first the right to elect the members was given only to the Europeans

living in Ceylon. This happened in 1855, though not by constitutional enactment. In 1910, the Ceylonese were also given the right to elect one member. From 1910 onwards the number of Ceylonese people who were given the right to vote increased. Even so, this number was a very small part of the people of Ceylon, in fact only about 4 per cent of the people of Ceylon had the right to vote in 1924.

Now let us pause at this moment and get a picture of the way Ceylon was governed in 1924, or to be more exact the way Ceylon was governed between the years 1924 and 1931, when a new Constitution came into being. Between these years, Ceylon was still a colony of Great Britain. The British Government had the power to do many things in Ceylon. Some of these things it usually did directly by passing laws which were applied to Ceylon. Most of them it did by appointing a Governor who was held responsible to the British Government for the administration of Ceylon. The Governor had the help of an Executive Council and together they administered the country. But during the years since 1833 the Legislative Council had increased its powers, and these powers were controlled by the elected members of the Legislative Council. The Governor, therefore, had very often to listen to what the Legislative Council said, because the Legislative Council would otherwise exercise its powers in a way which the Governor did not like. The Legislative Council also had to listen to what the Governor said because otherwise the Governor might not do what the Legislative Council wanted him to do. In 1924, the Governor had what might be called the 'doing power' or the executive power; the Legislative Council had the power to refuse permission to the Governor to do certain things unless he appealed to the British Government, which the Governor did not very much like to have to do. This is what we mean when we say that the Governor was expected to do certain things but did not have complete power to do them. The Governor had *responsibility* for governing the country but lacked complete *power* to do so. The Legislative Council had no power to do things and was not *responsible* for governing the country but had some power to limit the action of the Governor.

**The Donoughmore Constitution.** It was largely because of this state of affairs that in 1927 another Commission, under the chairmanship of Lord Donoughmore, was appointed to inquire into the government of Ceylon. The recommendations of the Donoughmore Commission were largely put into operation



in the Constitution of 1931, and the Constitution of 1931 has thus come to be known as the Donoughmore Constitution. Let us now try to find out the main features of this Constitution. We saw that in the 1924 Constitution the Governor was held responsible for the administration of the country. In the Donoughmore Constitution this position was considerably changed. The affairs of government were divided into two groups. One of these groups was reserved for the British Government and was largely put in charge of the Governor, who was held responsible for the carrying out of these affairs. The other group was in the hands of representatives of the people, yet the Governor was given the power to supervise the carrying out of these functions also. Whereas, during the years 1924-1931, the Governor was directly responsible for all governmental activity, during the years 1931-1947 the Governor was directly responsible for a part of governmental activity and only in a supervisory way for the other part.

What then were these parts? In certain matters, the Governor was directly responsible to the British Government, and these were important matters too. The management of Ceylon's relations with other countries, and affairs connected with such relations as emigration, immigration, passports, merchant shipping, commercial treaties and defence, the control of the public service, the administration of justice, the management and organization of the finances of the country, and matters connected with these such as the salaries of public servants, the collection of income tax and the management of financial organizations like the Ceylon Savings Bank all these came directly under the Governor's control. Since the Governor could not administer all these functions single-handed, he was given the help of three officials called Officers of State. They were the three most important officials in the country. The three Officers of State were the Chief Secretary, the Legal Secretary and the Financial Secretary.

Even where the control and management of certain affairs were handed over to representatives of the country, however, the Governor was obliged to supervise these activities. He was instructed to see that the local representatives performed their functions in a way which the Governor thought was correct. Yet these functions were fairly large in number, and included matters like the maintenance of law and order, agriculture, irrigation, local self-government, fishing, medical and health services, industries, labour, commerce, education, transport, electricity

and communications. You will see that this was a large list, and the Governor was expected to supervise their performance.

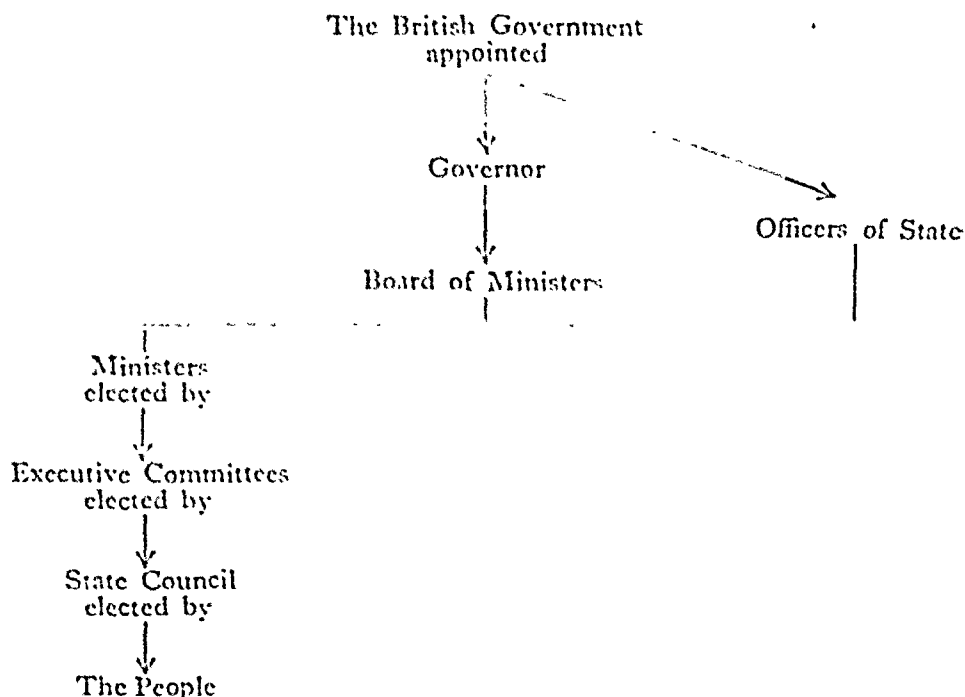
The first characteristic of the Donoughmore Constitution was, therefore, the transfer of some power to elected representatives of the country. The second feature was to give the opportunity to make these representatives the true representatives of the people. In other words, the persons who administered these affairs were made responsible to the people. This was an advance towards democracy. The Donoughmore Constitution transferred some powers of government to local persons and provided that these persons should be representatives of the people. This it did by providing that these local persons should be elected by universal adult franchise. In the years 1924-1931 the right to vote was given only to about 4 per cent of the population. In 1931 it was given to the total adult population of Ceylon, subject to certain limitations. The vote was given without any property, literacy or sex conditions. That is to say, a person was given the vote even if he were poor and without property or even if that person could neither read nor write and regardless of whether the person was male or female. There were certain common qualifications which a person had to possess, such as being a British subject, being over 21 years of age and not having committed an election offence like taking or giving bribes, etc. A person also had to be domiciled in Ceylon by origin or else possess certain other qualifications. That is to say, he or she should have been descended from permanent residents of this country; if he were not he had to obtain a certificate stating that he was permanently settled in Ceylon or possess certain property qualifications.

The Donoughmore Constitution, also, was so worked out that the people elected their representatives as people of one country. In the earlier Constitutions some persons were chosen for the Legislative Council as representatives of narrower groups, such as representatives of Europeans, of Sinhalese, of Tamils or of Indians. In other words, some members of the Legislative Council were chosen communally, i.e. according to communities. The Donoughmore Commission thought that this was bad for the country and the 1931 Constitution abolished this method of election.

The third main feature of the Donoughmore Constitution was to provide the agencies by which the representatives of the people were to manage the affairs placed in their charge. Under the Donoughmore Constitution, the people elected fifty persons to a

body called the State Council, while the Governor nominated eight members to this body. The Officers of State were also members of this body, but had no right to vote in it. The State Council therefore consisted of sixty one members, fifty-eight of whom could vote. All the powers transferred to the control of the people were placed in the hands of the State Council. These powers were of two kinds. One was the power to make laws in regard to the subjects transferred, the other was to put the laws into practice or to administer the laws. The State Council during these years (1931-1947) continued to deliberate and pass the necessary laws. The administering of the laws needed a more detailed system and this was provided for in the Constitution. The State Council divided itself into seven Committees called Executive Committees. Each Executive Committee was asked to administer certain functions, subject to the supervision of the State Council. Each Executive Committee also elected a Chairman who was called a Minister.

Although the administration of the transferred functions was thus divided among seven committees, there were certain things which needed close cooperation. These were finance and the arrangement of the order of business. We all know that we need money to do many of the things that we would like to do. This is the case with governments also. Although the actual drawing up of plans and seeing that these plans are carried out may be divided among several bodies, the business of finding the money and allocating it among the various bodies has to be done in co-operation. That is why the Constitution provided that the seven Ministers and the three Officers of State should meet together under the chairmanship of the Chief Secretary. This body was called the Board of Ministers, and it was in charge of managing financial matters, subject to the advice of the Financial Secretary, the supervision of the Governor and the approval of the State Council. The agencies by means of which the Government of Ceylon was carried out were thus the following: a Governor and Officers of State appointed by the British Government, a State Council elected by the people, Executive Committees, Ministers and a Board of Ministers. The diagram on the next page illustrates the system.



We noticed in an earlier part of this chapter that the Governor was directly responsible for performing certain functions. To hold him responsible was not fair to him unless he was given the power to do things which he thought were necessary in order to perform his duties well. This power was in fact given to him under the Constitution. With regard to those functions for which the Governor was directly responsible, he was given the power (a) to obtain the money, (b) to appoint the officers, and (c) to pass the laws, necessary for the performance of his duties. Those things he could do whether the representatives of the people agreed to them or not.

As regards the other functions which he also had to supervise, he was given the power to exercise that supervision. The Governor, for instance, could refuse his permission for a proposal for a law (which is called a *bill*) to become a law. Later on we shall see how the Governor's assent was necessary before a bill became a law. This power to refuse assent is called the power of veto. The Governor could postpone giving permission to any such bill till the British Government's advice on it was obtained. This power was called the power to 'reserve any bill for His Majesty's pleasure'. Bills pertaining to certain important subjects had in any case to be so reserved. These were bills pertaining to public servants, finance, defence, justice, etc. The

Governor also could agree to certain bills on certain conditions. He could agree to a bill provided it did not come into operation for six months or less. He could ask that a particular bill be approved by a two-thirds majority in the Legislature before he gave his approval. He could return a bill with a recommendation that it be reconsidered by the Legislature.

The Governor also had the power to take over the whole government or any part of it during an emergency. An emergency is a situation arising in the country either because of war or because of internal disturbance. Once he took over the whole or part of the government in this way he would have the power to pass laws, to collect money, and to appoint officers to carry out his policy. Later on we shall see that the Governor did not have to use most of these powers, and so by habit they fell into disuse.

The Donoughmore Constitution also showed the way in which the transferred functions of administration were to be carried on. Firstly, the Constitution showed how laws pertaining to the various functions were to be passed. Before a law could be passed, it had to come before the State Council as a proposal for a law, that is to say, a bill had to be introduced in the State Council. Now a bill could be introduced by a Minister, by an Officer of State, or by an ordinary member of the State Council, although most bills were in fact introduced by Ministers and Officers of State. The bill had to go through certain stages in the State Council itself. The permission of the State Council had first to be obtained to introduce the bill. When permission was granted the bill was handed over to the Speaker. This stage was called the *first reading*. There was no debate but only a formal presentation of the bill. On a certain arranged day, the bill had to be debated by the State Council. On this day or days the principles of the bill were discussed. If the purpose of the bill was to give free school books to children, at this stage the State Council would debate whether free school books should be given or not. This stage was called the *second reading*. If the State Council agreed to the principles of the bill, it was sent to a committee of the State Council to discuss the details of the bill. This was the *committee stage*. The committee, after discussion, then reported the results of its discussions to the State Council. This was called the *report stage*. After the State Council debated and came to some agreement on the detailed comments of the committee, a vote was taken on whether the bill, with any modifications made by the committee and

accepted by the State Council, should be passed. This was called the *third reading*. If the State Council agreed to this also, then the bill went to the Governor. Only when the Governor agreed or assented did the bill become a law.

Secondly, the way in which these laws were to be put into operation was stated in the Constitution. We mentioned earlier that various functions were handed over to seven Executive Committees. The seven Executive Committees were those of Home Affairs; Agriculture and Land; Local Administration; Health; Education; Labour, Industry and Commerce; and Communications and Works. Each of the Executive Committees had certain functions in its charge. These functions were carried out by departments of government rather than a number of them were under the control of an Executive Committee. Whenever anything important relating to a function of a department had to be done, it was referred to the Executive Committee concerned, and the latter would take a decision after discussing the problem. Often the Executive Committee came to their decisions unanimously, but occasionally by majority vote. At these meetings the Minister, who was Chairman of the committee, presided. Although he had no more power than that of a chairman, he had greater influence because he was a Minister devoting his full time to government affairs.

The third important thing was how to find the money for the work of government and how to distribute this money among the various Executive Committees. This was the function of the Board of Ministers. The various Executive Committees did many things and wanted to do many more. All they meant the need for money. So the Ministers, who were the Chairmen of the Executive Committees took their proposals to the Board of Ministers. The Board first found out how much money would be available for a particular year and how much money the Ministers wanted to carry out their proposals. There was always a gap between the two; the Ministers wanted to spend much more money than was available. The Board therefore did two things. It gave a little less to the Ministers than they wanted, but even so the total amount of money needed was greater than what was available. So the Board tried to increase this amount by taxes.

**Assessment of the Donoughmore Constitution.** Between the years 1931 and 1947, during which time the Donoughmore Constitution operated, many changes gradually took place. We

mentioned earlier the powers and duties of the Governor. His duties, we noticed, were of two kinds. One was to administer certain subjects with the help of Officers of State, the other was to supervise the way the transferred subjects were administered. In both these matters, the Governor listened to the elected representatives more and more, so, while the Constitution gave him power to do things as he thought best, in fact he very often did the things which the Ministers wanted him to do. Rarely did he go against the wishes of the Ministers, and the number of occasions when he did so became very much less as the years passed. In other parts of the Constitution also there were several new developments. Although the Constitution provided that the State Council should directly supervise the executive work of the Executive Committees in practice it gave up supervision. Instead it interested itself largely in legislative and financial matters. The Ministers, who were expected to be little more than the chairmen of the Committees, became more powerful and often acted like Ministers in a Cabinet. The Board of Ministers, though constituted to manage financial affairs and the arrangement of State Council work, came to interest itself in other matters as well. Because of its power over finance, it exercised greater control over other matters also. In doing so, it also tended very often to act like a team. Thus we have to keep in mind several things about the Donoughmore Constitution before we estimate its significance. The Constitution set up several agencies for the government of the country. It stated what powers these agencies could exercise and how they should be exercised. Yet in the years 1931-1947, the powers were in fact exercised differently from what was expected in 1931.

In spite of all these changes, some of which were good for the country (such as the Governor listening to the Ministers), there were many criticisms levelled against this Constitution. Some people argued that the Executive Committee system of government was bad for the country, for several reasons. Firstly, it was argued, the government was too slow and many important things were delayed because the Executive Committees took such a long time to discuss things. Secondly, it was said that there was no coordination in government because the seven Executive Committees did not work according to a common plan. Thirdly, it was argued that, as things were, there was no way of fixing the responsibility on an individual person or body of persons if anything went wrong. In short, there was lack of speed, lack of coordination and lack of a method of fixing responsibility for the

wrongs of government under the Donoughmore Constitution. All this, it was said, was due to the Executive Committee system.

Now it is true that most of these criticisms are justified, but it is difficult to agree that the faults were due entirely to the Executive Committee system. There was delay under the Donoughmore Constitution, but not so much as people thought. At least a part of this delay was due not to the Executive Committee system but to other factors such as a weak Minister, a slow public service and the difficulty of getting officials appointed quickly enough because the Officers of State controlled the public service. Absence of coordination there was, but it was due partly to Ministerial ambitions to win popularity and the absence of a party system which would have made the Ministers work as a team better than they did. The difficulty of fixing responsibility was certainly due to the Executive Committee system, but even this would not have been so bad if there had been a party system. Although there were many criticisms of this nature, many people think that the Donoughmore Constitution helped the country to advance towards democracy, firstly by granting universal franchise, secondly by abolishing communal elections, and thirdly by giving the people a share in their government.

**The Soulbury Constitution.** Although the Donoughmore Constitution was far better than the Constitution of 1924, the people of Ceylon were not satisfied with it for several reasons. Firstly, as we mentioned earlier, some people thought that the Executive Committee system had many defects and that it ought to be replaced by a Cabinet system. (The Cabinet system will be described later on.) Secondly, they thought that the Governor on the one hand and the British Government directly on the other had too much power regarding the government of Ceylon and that this ought to be reduced. Demands that the Constitution be changed therefore started from the very beginning of the Donoughmore Constitution. As a result of these demands, which went on without end, the British Government declared on 26th May 1943 that the Ceylon Constitution would be reformed so that the people of Ceylon would be given the power to manage the country's internal affairs. Ceylon's relations with other countries were still to be managed by the British Government in consultation with the Government of Ceylon. A Commission consisting of Lord Soulbury (Chairman), Sir J. F. Rees and Mr (now Sir) F. J. Burrows was appointed and came to Ceylon in December 1944 to report on how this was to be done. Their



recommendations were published in September 1945. The British Government modified these recommendations slightly in a White Paper in October 1945. In November 1945 the recommendations of the Soulbury Commission as modified by the White Paper were accepted by the Ceylon State Council. These recommendations were put in the form of a Constitution in May 1946 by the Ceylon (Constitution) Order in Council. This Constitution is what we know as the Soulbury Constitution.

The Soulbury Constitution changed our way of government in two directions. Firstly, this Constitution replaced the Executive Committee system by the Cabinet system. Under the Donoughmore Constitution, those functions which were put in the hands of the people in this country were managed by a State Council, Executive Committees, Ministers and a Board of Ministers. The Soulbury Constitution placed the management of these functions in the hands of a Legislature of two Houses, namely the House of Representatives and the Senate, and a Cabinet of Ministers. Even today we are governed by these agencies or bodies. When our government as it is today is described at length we shall see how this new system works. You should notice that the fundamental agencies of our Constitution today are the same agencies as established under the Soulbury Constitution, although their powers are more complete.

Secondly, the Soulbury Constitution reduced the powers of the British Government and the Governor with regard to the internal affairs of Ceylon. To that extent also, the Soulbury Constitution was in advance on the Donoughmore Constitution. Even so, the Soulbury Constitution still fell short of the Dominion Status which we have today. This means that under the Soulbury Constitution the people of this country did not have as much power to manage their affairs as they have now.

The Soulbury Constitution fell short of Dominion Status in several ways. Under this Constitution, Ceylon did not possess the power to manage her own external relations and defence. She did not have the power to enforce her laws on those of her citizens who were outside the country. The British Parliament retained the right to pass laws for Ceylon on any matter. Even in regard to purely internal matters, the Governor could reserve any bill for His Majesty's pleasure. Finally, Ceylon could not amend her own Constitution. Over all these spheres the British Government retained control. You will see, therefore, that the absence of Dominion Status meant the absence of complete con-

trol over Ceylon's affairs by Ceylon people. The earlier paragraph explained the control which the British Government retained over Ceylon affairs. To the extent that the British Government controlled Ceylon affairs, then to that extent the Ceylon Government could not. To give Dominion status, the British Government had to give up its control over Ceylon affairs.

**Grant of Dominion Status.** In 1947, Britain agreed to give Dominion Status to Ceylon from a certain day. That day was 4th February 1948. Before Ceylon was granted Dominion Status, it was thought desirable to have certain agreements between Britain and Ceylon regarding defence, external affairs, and certain groups of public servants. The Ceylon Government was willing to make these agreements. Therefore in November 1947, Ceylon and Britain signed the Defence, External Affairs and Public Servants Agreements and Britain granted Dominion Status to Ceylon. As was pointed out earlier, in order to grant Dominion Status, Britain had to give up her control over Ceylon affairs. This she did by the Ceylon (Constitution) Amendment Order in Council of 1947, and the Ceylon Independence Act of 1947.

You will see, therefore, that the important documents relating to the Ceylon Constitution are :

(i) the Independence Act of 1947 ; (ii) the Ceylon (Constitution) Order in Council of 1946 as amended in 1947 ; (iii) the Agreements. Subject to these Agreements, Ceylon now has all the powers that any other country possesses. Ceylon is today a fully self-governing member of the British Commonwealth of Nations. Later on you will find a chapter explaining what the Commonwealth of Nations is. At the end of the book you will also find the Agreements which Ceylon and Britain signed.

In this chapter, then, we have seen how the administration of Ceylon gradually passed from the hands of foreigners to the hands of our own people, and that Ceylon is now a self-governing member of the British Commonwealth of Nations. The government of Ceylon, as a self-governing member, is officially carried on by the Queen, represented by the Governor-General, who has little power and does not interfere with the actual administration ; a Parliament of two Houses, having the power to pass laws, and a Cabinet which puts these laws into operation. In the next chapter, the way the government of our country is carried on from one day to another will be explained in greater detail.

## CHAPTER VII

# THE WAY WE GOVERN OURSELVES

We learnt in the preceding chapter how the present Constitution of Ceylon came to be what it is. It is now left for us to find out how the present Constitution operates. The most important feature we should try to understand is how, and to what extent, the people of our country control our government. Since the granting of Dominion Status the people have more power over their affairs than ever before. The way we govern ourselves shows how this power is exercised.

**Representative Democracy.** In the last analysis the control of the government legally rests, through the right to vote, in the hands of the people. When the word *people* is used, however, it does not mean all the people living in this country, it means only the citizens of this country. No country in the world would willingly allow citizens of foreign countries to control its government. In Ceylon too, only citizens are allowed to control Ceylon affairs. You will agree that this is right, because, if foreigners were allowed to do so, they would think of the welfare of their country and not of ours.

It is important, then, to find out who the citizens of this country are. The Citizenship Act of 1948 and the Indian and Pakistan Residents Citizenship Act of 1949 will tell us this. Before 1948 Ceylon did not have any citizenship laws, and during the British period all British subjects were given the right to vote if they had certain qualifications. In the years 1931-1946 for instance, most Europeans living in this country had the right to vote, but now they cannot do so unless they are citizens.

The Citizenship Act came into operation on 21 September 1948. Therefore it is with reference to that date that Ceylon decides who her citizens are. The intention of this Act is to see that citizenship is given firstly to those whose ancestors have been in our country for a long time (called *citizenship by descent*), the Act shows how to find this out. Secondly, citizenship is given to those Indians and Pakistanis who have been in Ceylon for a considerable time and who intend to make Ceylon their country. Thirdly, citizenship is given, under certain conditions, to those who are married to Ceylon citizens and resident in Ceylon, because their marriage and residence show their intention to make

Ceylon their country. Fourthly, citizenship is given to those foreigners who have given distinguished services to our country. Persons who qualify under the last three groups are called citizens by registration, because they do not get citizenship automatically, as do citizens by descent, but have to apply for it and show their claims to it.

Not all the citizens have the right to vote. For instance, a child of five may be a Ceylon citizen but he has no vote, and for a good reason. Since the right to vote is a right to control the government, it ought only to be given to people who are grown up. A child cannot decide what is good for his or her country. In Ceylon a person gets the right to vote at the age of twenty-one. At twenty-one a person becomes an adult and is called a 'major' in contrast to a 'minor'. Now all adult citizens of Ceylon can vote if they have certain common qualifications. A person is disqualified from exercising the vote if he has not resided in the electoral district for a continuous period of six months in the eighteen months immediately prior to the first of June in the year in which the voters' register is prepared (unless he has been absent on official duty), or if he is serving a sentence of imprisonment for an offence punishable with imprisonment for a term of more than twelve months, or is under sentence of death or is serving a sentence of imprisonment instead of the sentence of death, or if he is declared to be of unsound mind, or if he is disqualified on account of the law relating to election offences.

All the adult citizens of Ceylon, subject to the limitations explained above, thus have the right to decide how the country is governed. Even so, since the number of adult citizens in Ceylon is about 3,500,000, they cannot all meet in one place and decide how the government is to be carried on. You will realize that there is no place where all this number could meet together. In the cities of ancient Greece, such as Athens, the citizens were able to meet in the market place and decide the way they should be governed. This they were able to do because their cities were small, with relatively few people; besides, many of these people were slaves and so were not citizens. The number of citizens being small, all of them could meet together for governing the city. This is why the ancient city States of Greece are called *direct democracies*; the citizens directly governed themselves.

In the modern world, the States are so large and the number of citizens so great that they cannot meet in one place and decide the way they are to be governed. The best they can do is to elect persons who will do the governing on their behalf and also

continually to keep these persons (called representatives) informed of what the citizens think. The citizens should elect representatives and keep them informed of the opinion of the people, in other words, public opinion. Representatives should therefore act on behalf of the people and find out what the people want by reference to public opinion. This way of government is called *indirect democracy*. All democratic countries in the world today follow this system, by which the citizens elect a body of representatives and hand over the power of government to them.

In Ceylon, too, we do basically the same thing. According to the Ceylon Constitution, all the power of government is in the hands of the Queen and her Parliament. The Queen is represented in Ceylon by a Governor-General. Neither the Queen nor the Governor-General has any important power of government, however, so that in practice all power is in the hands of the Parliament which is controlled by the citizens. This is the reason why Ceylon can be called a *parliamentary democracy*.

Before we try to understand how parliamentary democracy works in Ceylon, let us see the position of the Queen and her representative the Governor-General in Ceylon. In doing so we will see why neither the Queen nor the Governor-General has any power of government.

The Head of the Ceylon State is Queen Elizabeth II. She is also the Queen of the United Kingdom and its Dependencies, and of her other Dominions of Canada, Australia, South Africa, New Zealand and Pakistan. Since the Queen generally resides in Britain, she is represented in Ceylon by the Governor-General who resides in Ceylon. Her representative, the Governor-General, is appointed by the Queen on advice received from her Ministers in Ceylon. The Governor-General could also be removed from his office if her Ceylon Ministers advised the Queen to that effect.

According to the Ceylon Constitution, the Governor-General has several functions to perform. He is expected to perform them in the same way as the Queen performs similar functions in the United Kingdom. In a later chapter you will read more about the functions of the Queen. Generally speaking, it may be said that the functions of the Governor-General like those of the Queen, are largely formal and social. It is the Governor-General who summons, prorogues and dissolves Parliament. It is he who appoints the Prime Minister. He has the power to give or refuse to give his assent to bills passed by Parliament. He can reserve bills for Her Majesty's pleasure.

All these political functions are performed according to well-known practices which are called conventions. These conventions in effect remove any significant power from the Governor-General in the performance of these functions. All the things mentioned above, barring the appointment of a Prime Minister, will be done on the advice of our Ministers. In effect, therefore, these acts are acts of the Ministers to which the Governor-General is bound to agree. In appointing a Prime Minister, the Governor-General may have a little more discretion. Even here, there are certain practices developed in Britain (see Chapter 12) which are expected to be followed in Ceylon too. The effect of these is to make the Governor-General call upon the leader of the largest party in the House of Representatives, or the person who can win the support of a majority in the House of Representatives if he becomes the Prime Minister.

Although the Governor-General has little power, he has the opportunity to exercise some influence. He has the right to expect to be kept informed of all the important affairs of state. On these matters he may give his own views to the Ministers, although he has in the last resort to agree to what the Ministers decide. The amount of influence that the Governor-General can wield will, of course, depend on the personality of the man who holds the office. Even so, there is no doubt that, while he cannot exercise power, he may wield influence.

His major functions, however, are in the non-political sphere. He is expected to act as the symbol of the nation above the conflict of political parties. He should never be the friend of one party against another. While parties criticize one another, he should stand aloof from such conflicts, as the symbol of national unity. This is the reason why the Governor-General's social functions should be such as the whole nation could generally approve. Being the representative of the Queen, who is the Head of the State, he should take part in those things which are of national but not political importance. He may help in the development of the arts, and he can help good causes like anti-tuberculosis or anti-slum campaigns. He may encourage these prizes either by his presence or by donations. The Governor-General, therefore, has little political power, but so many important duties arising from his position as the representative of the Head of the State. This is the reason why the Governor-General like the Queen, is called a constitutional

Now that we know the position of the Governor-General, and how small their

we also know that all fundamental political power is left in the hands of Parliament and such other agencies as Parliament may use. Some of these agencies, such as the Cabinet, are so important that they are specially mentioned in the Constitution.

The Parliament of Ceylon consists of two Houses—the House of Representatives and the Senate. Of these two bodies, the Senate has very little power and therefore can be discussed later. For all practical purposes the House of Representatives is the most important and fundamental part of Parliament. To understand our way of government we must know two things. We must know how Parliament supervises the government of the country and how the citizens control Parliament (largely the House of Representatives).

Let us first see how the citizens control the most fundamental part of Parliament, i.e. the House of Representatives, by means of their right to vote. According to the Ceylon Constitution as originally embodied in the Constitution Order in Council of 1947, the membership of the House was not fixed for all time. The Constitution provided that the membership should depend upon both population and area. Since the population is subject to change, the number of members is also bound to change, when the question of membership is considered after every Census.\* However, the House of Representatives at present consists of 101 members. Of these, 6 are nominated by the Governor-General on the advice of the Prime Minister and 95 are elected by the adult citizens of Ceylon. To elect these 95 members, Ceylon is divided into 89 constituencies. Out of the 89 constituencies, 84 elect one member each, 4 constituencies elect two members, and one constituency elects three members.

The constituencies are at present demarcated according to the principles embodied in the Constitution Order in Council of 1946. The principles are that seats should be allocated on a provincial basis according to both population and area.

\* This position has been changed since July 16th 1954 when the Ceylon Constitution (Special Provisions) Act and the Indian and Pakistani (Parliamentary Representation) Act received assent. The first Act fixed the membership of the House of Representatives at 105, constituted as follows:

(i) 95 members elected from constituencies on a provincial basis as at present and as shown on page 123;

(ii) 4 members elected from the Indian and Pakistani electoral district constituted by the second Act;

(iii) 6 members nominated by the Governor-General as at present.

These provisions will come into operation on a date to be appointed by the Governor-General and will cease to operate in 1966 or when the then existing Parliament is dissolved, whichever is the later.

A province was allocated a number of seats calculated on the basis of one seat for every 75,000 of population and one seat for every 1,000 square miles of area.

These principles were laid down for several reasons. We noticed earlier that Ceylon is the home of several groups of people—Sinhalese, Ceylon Tamils, Muslims, Indian Tamils, Burghers and so on. In the Donoughmore Constitution period, it was found that the manner of demarcating constituencies according to population worked to the disadvantage of the minority groups. The minority groups, led by the Ceylon Tamils, were dissatisfied with that system. Some of them were in fact ready to accept the principle of representation according to communities to enable the minorities to have more representatives, but the Sinhalese objected to the principle of communal representation. So a way had to be found to give the minorities more representation than before, while avoiding communal representation.

It was found that the minorities lived mainly in the provinces which were large in area but sparsely inhabited. It was calculated that if seats were given according to both population and area, as mentioned above, the minorities would be satisfied with the resulting number of seats and the Sinhalese would be satisfied because communal representation was avoided. On the basis of this calculation seats were allocated in 1946 in the following manner :

Western Province .. ..	20
Central Province .. ..	15
Southern Province .. ..	12
Northern Province .. ..	9
Eastern Province .. ..	7
North-Western Province .. ..	10
North-Central Province .. ..	5
Uva Province .. ..	7
Sabaragamuwa Province .. ..	10
	—
	95

The purpose of this system was to help the minorities to elect a reasonable number of their own people as representatives if they wanted to.

That alone was not enough. While it was thought desirable that the minorities as a whole should be given the opportunity to elect a certain number of their own people as representatives, it was thought that each minority group should also have a certain minimum number of representatives from its own group. The system of allocating seats according to population and area was useful for this too. Even so, it was found that both these



desirable things could be best achieved by having a few constituencies with more than one representative (multi member constituencies) as well. There are certain areas in Ceylon where the people belonging to the various racial groups live scattered among one another, e.g. Central Colombo, where a large number of Muslims live among Sinhalese and Tamils. So Central Colombo was made into a three-member constituency to help the Muslims. Both the general principle of allocating seats according to population and area and the provision of multi-member constituencies were accepted largely with the intention of giving the minority groups a chance of electing a reasonable number of their people as representatives. It was believed that this scheme would enable the minorities to elect about 24 to 26 representatives in addition to the nominated members.

Now we should try to find out how the citizens elect the representatives from these constituencies. In those constituencies from which only one member is elected, the principle adopted is *simple plural voting*. This means that the candidate who polls the largest number of votes will be elected. The following example will illustrate the point. Let us assume that three candidates contested a constituency having 6,000 voters, and that the voters voted as follows

<i>Candidates</i>	<i>Votes Polled</i>
A	2,500
B	2,000
C	1,500

In this case Candidate A will be declared the winner or the representative because he received the largest number of votes. This is the case even though, as you will see, Candidates B and C together received more votes than Candidate A. Here is a true example from the 1952 election from Moratuwa

<i>Candidates</i>	<i>Votes Polled</i>
Somaweera Chandrasiri	16,125
J. G. Fernando	12,741
D. D. Abeyasinghe	10,283

Mr Chandrasiri was declared Member for Moratuwa. In other words, if a candidate polls a plurality of votes, whether that was an absolute majority of all the votes polled or not, he is declared elected, in some cases the elected person does receive an absolute majority.

In the constituencies where more than one member is elected a different system is followed. Let us take another example. Let us assume that such a constituency has 10,000 adult citizens with the right to vote. Two members are to be elected. Now each voter will be given *two* votes because *two* members are to be elected. These two votes can be given to one candidate or to two candidates. In other words, although there are 10,000 voters, there are 20,000 votes. If there were 6 candidates D, E, F, G, H, and I, and if we assume they received the following votes :

<i>Candidates</i>	<i>Votes</i>
D	6,000
E	5,000
F	4,000
G	3,000
H	1,000
I	1,000
	<hr/>
	20,000
	<hr/>

then Candidates D and E will be elected members. This was how the elections in the Colombo Central, Ambalangoda-Balapitiya, Kadugannawa, Badulla and Balangoda constituencies were held in 1952.

So far we have found out how a member is elected to the House of Representatives from the different constituencies. We saw that in the case of a single-member constituency the person who gets the most votes is elected. In the case of a multi-member constituency, the two or three persons (according to the number of members to be elected) who receive the largest number of votes will be elected members. It is not every adult citizen, however, who is entitled to be elected as a member of the House of Representatives. The qualifications for membership ensure that those who are elected shall be persons who will have no direct or indirect personal interest in the spending of public money and who have not been found guilty of corrupt or illegal practices.

**Political Parties.** The purpose of electing members to the House of Representatives is to enable the citizens to decide how the government of the country should be carried on. This

purpose cannot be achieved if members are haphazardly elected from candidates whose main qualifications are that they happen to be good people. The voters should be able to elect persons who, if they form a majority in the House, will carry on the government in a particular way that the people desire. The candidates who offer themselves for election should be the means by which the voters can decide between two or more ways of being governed. This situation is made possible when most of the candidates are persons belonging to political parties, each offering a particular policy or programme as the best way of governing the country. In such a case the voters can in effect elect the government they want by electing a majority of members of the House from the party they like. If a majority of the voters elect to the House of Representatives a majority from a party or a group of allied parties which can control the way the country is governed, then that majority will in effect be electing the government.

In Ceylon not all candidates for election are party members. In the 1952 general election, out of 303 candidates, 218 belonged to political parties and the rest were Independents. Even so, it is clear that the greater number of candidates belonged to political parties which offered the people a choice in the way they should be governed. If we take a glance at these parties we will be able to see in what alternative ways the people can choose to be governed.

In Ceylon today there are several political parties. The largest party in Ceylon is the United National Party. In 1952, 1,026,005 people voted for the U.N.P. The Sri Lanka Freedom Party is the second largest party. In 1952 it polled 361,250 votes. Then there are three leftist parties. One of them is called the Communist Party, the second is the Viplavakari Lanka Sama Samaja Party, the third is called the Nava Lanka Sama Samaja Party by most people, but not by the N.L.S.S.P. itself, which still calls itself the Lanka Sama Samaja Party. There are also several small groups like the Tamil Congress and the Federal Party. The last-mentioned parties are found among the Ceylon Tamil population of our country.

All these parties are groups of people who have certain views of how the government should be carried on to benefit our country most. The U.N.P. thinks that if the country is governed according to its policies it will be good for the country. The S.L.F.P. thinks that the S.L.F.P. views are better than the views of all other parties. Similarly the C.P., the V.L.S.S.P. and the N.L.S.S.P.

wish to carry on the government of our country according to what they think is good for the country.

Not only do these parties have certain views on how to govern Ceylon; they also have organizations to persuade people to their way of thinking, because it is by persuading more and more people that a party may one day govern the country. The organizations vary from party to party, but they have certain common features. Each party has a central committee which is the highest body in charge of the management of the party. The U.N.P. and S.L.F.P. have established party branches in various places—usually in constituencies. The left parties have party cells which are even smaller than a branch: for example a party may have a party cell in a village, or in a ward of a town or in a factory. The pattern of a party organization in Ceylon is fairly simple. In the case of certain parties, the central committee and the leader of the party form the highest controlling body. This is the case with the U.N.P. and S.L.F.P. In the leftist parties, even the central committee is subject to the control of the Party Congress. The important point to remember, however, is that each party has an organization to win more votes in order to get control of the government.

We have now to understand what the views of these parties are with regard to the way we should be governed. These views are called the party policies. If we know the policies of the various parties, then we know how they wish to govern the country. Let us take the main political parties into consideration.

The U.N.P. claims that it wishes to follow the way of democracy as evolved by the Western democratic nations; it will maintain parliamentary democracy and the various political freedoms necessary for parliamentary democracy. It states that many people in Ceylon are poor and that the way to improve their condition is by developing the wealth of the country. This can be done, according to the U.N.P., by several methods. It believes that the development of the country's wealth must be undertaken primarily by private individuals, while the government should help them in every way possible. Secondly, it believes in inviting foreign individuals or companies to invest their money in developing Ceylon's resources. Thirdly, it intends to undertake such schemes as multi-purpose projects, transport development, etc., which private businessmen would not be willing to undertake, but which are a necessary background for the country's development. It also claims that it will help the poor people by providing social services like health, education,

old age pensions, etc., to the extent that Ceylon's finances can afford. In regard to Ceylon's relations with other countries, the U N P argues that Ceylon should remain in the Commonwealth of Nations but be friendly with all nations. The party believes that Ceylon's friendly relations with Communist nations should be mainly confined to trade.

The S L F P agrees with the U N P in many of these policies but wishes to make certain changes. It is willing to help private individuals to undertake the development of the country's wealth but is not very happy at the thought of the entry of foreign capital. It wishes to carry out the policy of Swabasha more rapidly than the U N P. It is opposed to the present policy of the U N P regarding the Indian problem. In matters of foreign relations, the S L F P wishes to extend its policy of friendship to all countries irrespective of the nature of their system of government. To keep itself free from all entanglements, it might wish Ceylon to leave the Commonwealth of Nations and declare herself an independent republic like Burma.

The left wing parties argue that, because most of the people in Ceylon are poor, they cannot enjoy the benefits of political freedom. To solve this problem they maintain, firstly, that the existing wealth of the country should be more equitably distributed and, secondly, that the development of the country's wealth should be undertaken by the State. They would make a start in this direction, should they be elected to power, by nationalizing the basic industries at present in the hands of private individuals or companies. They also do not believe in the present form of parliamentary democracy. These parties desire that Ceylon should leave the Commonwealth and be a republic.

The left parties have many differences between themselves. The Communist Party, for instance, wishes to establish in Ceylon a government like that of Communist China, whereas the N L S S P wishes to establish a government of workers and peasants. While the N L S S P wishes Ceylon to have friendly relations with all countries, the C P and the V L S S P wish Ceylon to have closer ties with the Communist countries.

The Tamil Congress has a policy which is very similar to that of the U N P. In fact, in the present Parliament the Tamil Congress worked in alliance with the U N P. The Federal Party is also a party supported by the Tamils. The Federal party believes that the Tamils form a nation of their own, and that in the present system of government they do not get their due. They think that the Sinhalese dominate them.

under the present Constitution. They argue that the only way the Tamils can get their rights is by having a Federal State in Ceylon.

Now a Federal State is one where a country is divided into two or more parts, each part having a Parliament of its own, with another Parliament for the whole country. The powers of government would be divided between the Parliament for the whole country, i.e. the central Parliament, and the Parliaments of the parts, called state or provincial Parliaments. The powers of the central Parliament would be those which concern the welfare of the whole country, the rest of the power being given to the state or provincial Parliaments. The Federal Party believes that the rights of the Tamils as a minority can be safeguarded only by having a Federal Constitution. It does not think that any other safeguard will really solve the Tamil problem.

All of these parties, with their organizations and policies, are trying to persuade other people to agree with them. They do so by meetings, speeches, books, pamphlets, radio talks, newsreels, film shows, newspapers, house-to-house canvassing, talks in clubs, conversations in trains and buses, placards, posters, and so on. All this is done with a definite purpose. That purpose is to win control of the House of Representatives. To do this, a party and its allies must win more than half the membership of the House of Representatives. This is the reason why political parties nominate candidates to contest elections. If the candidates of a party win more than half the seats in the House of Representatives, then that party can control the House of Representatives. Since the House of Representatives is the more important partner in Parliament, to control the House of Representatives is to control Parliament. Since Parliament has the power to manage the government of the country, the party which controls a majority of the members of the House of Representatives can govern the country. This is what happened in 1952. In the election of that year, the U.N.P. candidates won 54 seats in the House of Representatives. The U.N.P. therefore controlled Parliament and thus the government of the country.

Thus there is a very valuable service performed by political parties. They tell the people the various ways in which the government of the country could be carried on. The people can then decide which they think is the best way. If the people like the U.N.P. way they can vote for U.N.P. candidates; if they like the way of another party they can vote for the candidates of that party. By means of voting for the candidates of the party they

like, the people can place control of Parliament in the hands of that party. By doing this they can get the government of the country carried on according to the policies they like, for it should be because they like the policies of a party that they vote for its candidates.

You will now see how the people of Ceylon can control our Parliament. To summarize what has been said above, this is done in the following way. The people can control Parliament by electing to the House of Representatives persons they like. In electing these persons very often the people consider to what party they belong and what the policy of that party is. If they like the policy of a party, they elect its candidates so that the government can be carried on as the people wish. This does not mean that only candidates belonging to parties are elected. In 1952 eleven Independents became Members of Parliament, but the number of Independents in Parliament is getting smaller and smaller, so that really only the party candidates matter.

To control Parliament, the people should also have the power to elect members to it at regular intervals. This is important for several reasons. When members are elected to Parliament, they should know that they will be members only for a limited period and that they will be re-elected only if the people want them again. The people will only want to re-elect them if they act in a way which the people like. Secondly, the people must have the power to reject those members of Parliament who are not acting in the way the people want. In Ceylon the House of Representatives is elected for a maximum period of only five years. At the end of five years, at the latest, the people can decide to have the same representatives or can elect different ones.

**Powers of Parliament** The Parliament of Ceylon, which can thus be controlled by the people of Ceylon, has very many powers. It has all the necessary powers for the good government of the country. As the Constitution is today, however, there are several things which Parliament cannot do. Parliament cannot (a) prohibit or restrict the free exercise of any religion, (b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable, (c) give to persons of any community or religion any privilege or advantage which is not given to persons of other communities or religions, or (d) alter the constitution of any religious body except with the consent of the governing authority of that body.

These limitations are useful for two reasons. Firstly, they guarantee the right to exercise one's religion freely, which is a very important freedom. Secondly, they protect the minorities of Ceylon against the possibility of discriminatory actions by the majority. You will have noticed that the Federal Party in Ceylon is not satisfied with this protection ; even so, it is good to remember what constitutional guarantees the minorities in Ceylon have. Apart from these limitations, which in no way prevent the good government of Ceylon, Parliament has all the power necessary to manage the affairs of the country. This power, however, Parliament does not exercise directly, for a number of reasons. The Parliament of Ceylon is a large body consisting of 101 Members of Parliament and 30 Senators. This is too large a body to administer the affairs of Ceylon in detail. The Members of Parliament and Senators are busy people who have little time to do the actual governing. This is the reason why the actual governing is handed over by Parliament, subject to certain conditions, to a body called the Cabinet.

These conditions are very important to note. The first condition is that all important policies which the Cabinet wants to carry out must first have the approval of Parliament. This means that if laws have to be passed and money found the Cabinet must first obtain the approval of Parliament. That is why, according to our Constitution, the laws are passed and money is granted by Parliament. The second condition is that Parliament retains the right to question the Cabinet, and the Ministers who form the Cabinet, as to how they are carrying out their duties, and also to inform them of what Parliament thinks ought to be done. Thirdly, Parliament retains the right to prevent the Cabinet from misgoverning the country by refusing to pass the necessary laws, or to grant the necessary money or even by declaring that Parliament has no confidence in the Cabinet.

**Cabinet Government.** The people of the country have the power to control Parliament by electing a majority of the members of the House of Representatives from the party that they like. Parliament has all the necessary power to carry out the good government of the country. Since Parliament is too large a body, it hands over this power to a body of persons (the Cabinet) which has the confidence of the majority of the members of Parliament, and only for so long as it has that confidence. Normally, therefore, one would expect the majority party in the Parliament, especially in the House of Representatives, to



elect this body of persons, but in a parliamentary democracy it does not happen in that manner. What happens in Ceylon is that the Governor-General calls upon the leader of the party in the majority to form the government. In this way the leadership in the government is given to the leader of the party which the people preferred, although the method is not direct. The person so called upon to form the government is called the *Prime Minister*.

No person, however able he may be, can govern a country by himself. The *Prime Minister*, therefore, has to obtain the assistance of several colleagues. Besides, when the people elect a party to power, they expect that party to solve the various problems of government according to the policies it placed before the people at election time. So the *Prime Minister* needs a group of people who will decide the policy the government should follow in its various fields of activity and see that these decisions are carried out.

The first task of a *Prime Minister*, then, is to form the government. The government consists of all those persons whom the *Prime Minister* calls upon to help him in this task. These persons can be divided into two groups. First come the Ministers, who are his senior colleagues, and then the deputy Ministers, who should assist the Ministers. In Ceylon these deputy Ministers are called *Parliamentary Secretaries*. It is within the *Prime Minister's* power to decide the number of Ministers and *Parliamentary Secretaries* he wishes to have and the fields of activity to which they should be assigned. At present there are fourteen Ministers and ten *Parliamentary Secretaries*. When the *Prime Minister* has chosen his nominees, he informs the Governor-General, who formally appoints them to the offices which the *Prime Minister* recommends.

This task of the *Prime Minister* is a difficult one. Firstly, he has to follow certain principles stated in the Constitution. In Ceylon the Constitution provides that at least two Ministers should be from the Senate and one of them shall be the Minister of Justice. All Ministers and *Parliamentary Secretaries* should become members of either House of Parliament within three months of appointment if not already so. The *Prime Minister* also forms a government to administer the country according to the party policy. He must therefore have other leaders of his party as Ministers. Yet he has to remember that those who are appointed as Ministers should be able, firstly, to manage competently the fields of activity assigned to them and, secondly, to help in

coming to decisions according to party policy on the problems that continually arise. That alone is not enough. Since every important decision of theirs must be approved by Parliament, they should be able to explain and defend the decisions they have taken. Ceylon being a country of several communal groups, there should be at least one Minister from each major group, so that no group should feel that it is being neglected. For instance, it has been the practice so far to appoint at least two Tamils and one Muslim as Ministers, whenever possible.

Every party also has its young, enthusiastic members. They need encouragement and their efforts on behalf of the party need recognition. They need to be trained to take the places of Ministers in case they should have to be replaced, for reasons of inefficiency, ill-health, death, or defeat at elections. Some assistance is also needed by Ministers who have large fields of activity to supervise. It is for these reasons that Parliamentary Secretaries are appointed.

The task of helping to decide how the government should discharge its duty is not given to Parliamentary Secretaries. That task is in the hands of the Cabinet, which in Ceylon consists of all the Ministers. When the Prime Minister recommends the appointment of a Minister, he knows that that Minister will also be a Cabinet colleague.

The Cabinet has to perform three main functions. It is the body which decides on the various policies of government to be submitted to Parliament. It has to be in control of the administration to see that the policies decided upon by the Cabinet and approved by Parliament are carried out accordingly. It has to coordinate the functions of government assigned to various government departments.

When the Cabinet decides upon a policy, it means that it decides that, with regard to a particular service, the people should have certain rights and certain duties. For instance, if the Cabinet decides to grant old age pensions to persons over 70 years old, it means that the government has the duty to grant the pensions and that persons over 70 years old have the right to expect them. Since every new major policy involves a new arrangement of rights and duties, every new major policy very often needs new legislation to enforce it. This is the reason why, when the Cabinet decides upon a policy, it has to consider the legislation which will put that policy into operation. The function of policy-making thus involves the Cabinet in considering proposals for laws. As soon as the Cabinet has decided

upon a policy, it requests the Legal Draftsman to draft a bill to embody that policy. The Cabinet then has to go over that draft bill to see whether it really embodies the policy it has decided upon before it is presented to Parliament. The Cabinet then asks Parliament to approve the bill, and if Parliament does so it means that Parliament has agreed to the Cabinet's policy.

Generally, also government policies can be carried out only at a cost. Whatever the nature of the policy may be, whether it be to regulate or to provide a service, it needs officers to carry it out. If it is the provision of a service it needs even more money. For instance, if the policy is to provide old age pensions, money has to be found for it. The Cabinet therefore has to consider how the money is to be raised for its various policies. Like private individuals, governments do not have an unlimited amount of money. In Ceylon the greater part of the government's income comes from taxes both direct and indirect. The Cabinet can therefore, within limits, increase or decrease its revenue. This is also a matter of policy which the Cabinet must decide upon. Since the amount of money is limited, the Cabinet has to decide how it is to be allocated among its various activities. The Cabinet therefore has to decide upon policies, consider bills to carry them out, find the money to implement them, supervise the way these policies are implemented and coordinate them to get the best results.

Although the Cabinet is responsible for all this, it does not meet very frequently. Normally it meets about once a week for a few hours. So the Cabinet's work has to be so arranged that it can take quick decisions on the subjects brought before it. This is done largely by the Cabinet secretariat. Generally, before a particular subject is brought before the Cabinet, a certain procedure has to be followed. Notice of it should be given a sufficiently long time beforehand. The views of Ministers who might be interested in the subject should be obtained. When the matter comes before the Cabinet, therefore, all the information necessary for taking a quick decision should be available to the Cabinet.

The Cabinet considers only matters of important policy. Its duty is to decide. When certain matters need close investigation, it is the practice in Ceylon to appoint Cabinet committees to consider them before the Cabinet finally comes to a decision on them. On matters other than these, the Ministers may decide according to what they think is the Cabinet's overall policy.

The great task of the Cabinet is to decide on and to implement

the policy for which its party was elected to a majority in the House of Representatives. The electors will judge the party in power according to the way that the Cabinet it supports governs the country. They will judge it both according to its declared programme and according to the way in which this is implemented by the Cabinet. The people will therefore judge it by what the Cabinet does and does not do. The success of the party in power at the next election depends on the success of the Cabinet and the solidarity of the party. A divided party will in all probability lose the next election, so will a divided Cabinet weaken the party and the government. This is not to suggest that there should be no differences of opinion inside the Cabinet. In fact there are continual differences, but such differences should be resolved inside the Cabinet and not be made public. If they become known outside, the Cabinet will be open to the charge that it does not know its own mind. The party or parties in a minority will make use of Cabinet differences to press their own views on the people. Secondly, the Cabinet should act as a team because this helps to coordinate the work of government. If individual Ministers took their differences to the public, they would not pay enough attention to this coordination, and they might also be tempted to work for personal popularity rather than for the whole team.

It is for these reasons that the Cabinet in Ceylon attempts to follow the principle of collective responsibility. This means that the Cabinet Ministers as well as Parliamentary Secretaries are responsible for all decisions of the Cabinet. Collective responsibility implies certain rights and certain duties among the members of the government. It may happen that Parliament wishes to disapprove of the programme of one Minister only, yet the whole government will come to his defence, and if the Minister's programme is rejected by Parliament the whole Cabinet will resign. In other words, the whole weight of the government is placed on the side of a Minister or Parliamentary Secretary who may be criticized by Parliament.

Since the whole weight of the government is behind every Minister and Parliamentary Secretary the Ministers have certain obligations also. They must not publicly support policies which have not been considered and approved by the Cabinet. Once the Cabinet has decided on a policy every member of the government must actively support it or resign if he cannot. If he decides on the former course, he must follow certain rules. He must not criticize it publicly even if he disagrees with it privately.

He must speak in its defence if called upon to do so. He must vote for it if it is put to the vote in Parliament.

Now in Ceylon this principle is not as carefully followed as in Britain. There are many instances where Ministers and Parliamentary Secretaries have not followed the rules. Some Ministers, of course, have resigned because they disagreed with Cabinet policy, but others have occasionally broken the rules and yet continued to remain in the government.

There are many reasons for this laxity. The idea of collective responsibility is new to Ceylon. The earlier Constitutions, far from encouraging such a practice, in fact worked against it. The party system is not closely knit, nor are certain parties either well-disciplined or strong. Even now, persons are sometimes more important than policies. The opposition is not strong enough to make the government close its ranks, and personal rivalry has as yet too much importance in Ceylon politics. Every weakening of the principle of collective responsibility is, however, weakening of the government.

Although the whole Cabinet is collectively responsible for the government of the country, the Cabinet distributes the various functions of government among the different Ministers for them to carry out the policy in an efficient manner. In Ceylon there are fourteen Ministers, which means that the functions of government have been distributed among these Ministers. The duty of the Ministers is to carry out the policy of the Cabinet in regard to the subjects handed over to them and also to help frame the policy of the Cabinet in the light of their experience in looking after these subjects. For instance, it is the Cabinet which decides on any policy—let us say, the industrial policy—but the Minister in charge of industries should take a leading part in framing the industrial policy by giving his advice to the Cabinet.

Thus you will see the important role of the various Ministers. Even so, there is no person who plays such an important part in the government of the country as the Prime Minister. Already you know that it is the Prime Minister who chooses the Cabinet. He distributes the subjects of government among the Ministers. He presides over the Cabinet meetings. He can ask a Minister whom he does not like to resign, or ask the Governor-General to dismiss him. This latter power is necessary in order to make the Cabinet work as a team, because the fear of dismissal makes Ministers more willing to cooperate with one another. Since the Prime Minister is the leader of the government he announces

important policies, and in many ways he is the most important person in the country.

The Prime Minister and his Cabinet have another important function to perform. That is to keep the government in the hands of their party as long as it is possible according to the democratic way. The best way to do this is to act for the welfare of the people. The Cabinet Ministers therefore often discuss matters with their party members in Parliament to find out what the people think. The party members are also interested in giving their support to the Cabinet in order to see that the country is governed in the way they like. Of course there may be situations in which the Cabinet does not get the support of a majority in Parliament. In that case the Cabinet cannot govern the country, since Parliament will not pass the necessary laws or grant the necessary money. The Prime Minister can then do one of two things. He can either resign and ask the Governor-General to call upon someone who has the support of the majority to form the Cabinet, or he can ask the Governor-General to dissolve Parliament and appeal to the people. The people are then given the choice of supporting the Cabinet or of opposing it. If the people do not like the policy of the Cabinet they can elect candidates opposed to the Cabinet; if they like the policy of the Cabinet they can elect those who support it.

The right of the Prime Minister to ask for a dissolution of Parliament (and only the Prime Minister can do so) is a very important one. Government supporters will not oppose the Cabinet unless it is a very serious disagreement. For if they do the Parliament may be dissolved, and they may have to go through electioneering and meet new expenses, and they may even be defeated. That is why a Cabinet is rarely defeated in Parliament if its party has a majority in Parliament.

**Functions of Parliament.** We noticed earlier that Parliament does not govern. It has, however, a valuable function to perform. Let us see what this is and how it is done, taking the case of the House of Representatives first. The members of the House of Representatives can roughly be divided into two groups: those who support the government and those who oppose it. It is because the members supporting the government are in a majority that the government can be carried on, since every important act of the government must be approved by the House of Representatives.

Generally speaking, the government party approves Cabinet

policy. Thus it does for a number of reasons. Firstly, it was elected to a majority in the House to support a government which will carry out its policy. Since the Cabinet consists of the leaders of the party in a majority, the chances are that it is the Cabinet the party wants. If, on the other hand, the party does not support the Cabinet, one of three things may happen in Ceylon. The Cabinet may resign and the party itself may be split, and the Governor-General may ask another leader of the same party to form the government, although this is possible, it will be full of risks for the party in power. The Governor-General may ask the opposition to form the government, or the Prime Minister may request the dissolution of Parliament and thus create the need for fresh elections. In the last case, there is always a possibility that the government party may lose the election, in addition to the expense and trouble of elections which government party members would normally dislike. In all cases except the first there is a possibility of the opposition coming to power, and thus the government party does not want. A member belongs to a particular party because he wishes the government of the country to be carried on according to that party's programme. If he does not, one would expect him to belong to another party.

Even so, the duty of a member of the House of Representatives belonging to the government party is not blindly to support the Cabinet in everything it does. A government party member has two major interests: he wishes his party to be in power and he wishes to remain a member of Parliament. Both these things depend on the way the Cabinet governs. If the Cabinet does things which the people dislike, or does not do things which the people desire, the people may disapprove of the Cabinet. The people get their opportunity to show their disapproval at the next election, and the only way they can show it is by voting against the candidates of the party which maintains the Cabinet in power. So if the Cabinet acts unwisely the member may lose his seat at the next election, and if many government party members lose their seats the party may lose its majority and so the power to form the government. This is the reason why the members supporting the Cabinet or government have to make that support an intelligent one. If they do not like the Cabinet's policy they must let the Cabinet know it, if they wish the Cabinet to implement some new policy they must inform the Cabinet about it.

*The members get several opportunities to do so. Most of*

them are unofficial opportunities. For instance, the members of the governing party have a Government Parliamentary Group. This is nowhere mentioned in the constitution, yet it meets frequently and Cabinet Ministers discuss their policies with it. Members can also discuss matters privately with the Government Whips. These latter are members of the parliamentary party appointed to act as liaison officers between the government and the parliamentary party.

There are official methods also. Members can make use of the discussions in the House to express their views on various matters. Generally, of course, members of the government party would not wish to criticize the Cabinet's policy too harshly in the parliamentary discussions, for that is bound to embarrass the Cabinet. What generally happens in Ceylon is that discussions in the House are used by government party members to air their ideas, or to bring minor grievances to notice, or to urge the needs of their constituencies, while nevertheless broadly supporting the policy of the Cabinet. When they have serious differences of opinion on important issues, such differences are thrashed out in meetings of the Government Parliamentary Group, which is an unofficial body. Government party members generally try to support the government. They also want the government to be popular in order to win the next election. Since they are in contact with the people they can inform the Cabinet how the people react to its policies, and they can thus try to prevent the Cabinet from doing too many unpopular things. Sometimes, of course, the wisest thing to do is not necessary the most popular. Sometimes the Cabinet may expect future good returns from a policy to which the people may now be indifferent or opposed. Government party members have the duty of explaining the advantages of the Cabinet policy to their constituents. If, of course, a member cannot agree with the policy of the Cabinet, either because it is not wise or popular or because it is against his conscience to do so, he has no alternative but to refuse to support it.

**The Opposition.** On the other hand, there is a group of members who oppose the government. These members, in Ceylon today, largely belong to four different parties: the S.L.F.P., the C.P., the V.L.S.S.P. and the N.L.S.S.P. Each of these parties has a particular programme which it believes is for the good of the country. The function of the opposition is to analyse the policies of the government and show their weaknesses.



When the Cabinet decides on a policy, the opposition parties would normally see many weak points in it because they think other policies are good for the country. There may be certain things on which both the government and the opposition agree, like preventing bribery and corruption, but even here they may disagree as to how this can best be done. The opposition should use all the opportunities it has to show the weaknesses of government policy. This is very important for parliamentary democracy, for it will, firstly, help the people to decide at the next election which party they should support, secondly, it is in the best interest of the country because the government will be careful in its actions when it knows that there is an opposition to criticize it. If the opposition is strong, and shows up the weak points in the government's policy, the opposition may come to power, and implement the policies which it thinks are good for the country.

**The House of Representatives.** Now the procedure of the House of Representatives is drawn up mainly to help the government and the opposition to perform their duties. We noticed earlier that the function of the House is not to govern. It hands over the power of government to the Cabinet subject to certain controls—these being the right to approve or reject Cabinet policy presented as ordinary bills, money bills or motions, to question the government about its work, to express its views on all matters it wishes to, including those not sponsored by the Cabinet, and in the last resort to express its disapproval of the government. We noticed how the government party and the opposition set about their tasks in performing these duties. Briefly, the Cabinet wishes to explain its policy and get Parliamentary approval for it, the government party members generally wish to support it while expressing their views and minor grievances, and the opposition wishes to criticize it. This is why Parliament is called a 'forum of discussion'. All this should be done in an orderly, dignified, sober and reasonable manner. Members of the House, for instance, cannot act as if they were in a market square. Since they perform a very important role in parliamentary democracy, they must do it with dignity.

The procedure in the House is written down as a set of rules called Standing Orders. The Standing Orders prescribe the way parliamentary business should be carried on, the rights and duties of members and especially the way discussion should be carried on. The latter is very important because the functions

of the opposition cannot be performed without an adequate opportunity for discussion.

Not only must there be a set of rules but also a person to enforce these rules impartially. That person is the Speaker. Soon after a general election, the House proceeds to elect a Speaker. The functions of the Speaker are to preside over the deliberations of the House, to apply the rules of procedure impartially and to protect the rights of the members, especially of the opposition. In addition to the Speaker, a Deputy Speaker or Chairman of Committees and a Deputy Chairman of Committees are also elected by the House to assist the Speaker. There are also several officers, such as the Clerk to the House of Representatives and his assistants, who help the Speaker to keep records of the proceedings, and the Sergeant-at-Arms and his assistants, who maintain order.

The functions of the House, thus organized, are largely to deliberate upon the policies placed before it by the Cabinet. These policies may be presented to Parliament in a variety of forms : ordinary bills, bills for the disbursement of public money and various kinds of motions. The House also provides opportunities for members of the House to express their views on matters not sponsored by the government.

Now the House of Representatives is elected for a period of five years, and continues for that period unless dissolved earlier, but it does not sit continuously throughout that period. The work of the House is divided into *sessions*. There is at least one session each year, although there may be more. The House is called into session by summons from the Governor-General (on the advice of the Cabinet) and is *prorogued* by the Governor-General (on the advice of the Cabinet) at the end of the session.

The House has to get through a large volume of business in a session. It has to consider any bills which the Cabinet in its desire to implement a policy has decided to place before the House. It has to debate proposals for the expenditure of public money which the Cabinet has decided upon. It has to discuss any proposals which the private members (i.e. members who are not Ministers or Parliamentary Secretaries) have been given the opportunity to place on the agenda of the House.

A session is opened by the Queen or her representative the Governor-General with a *Speech from the Throne*. This speech is prepared by the Cabinet and states the various proposals which the Cabinet intends to place before Parliament. The speech gives a general picture of the overall policy of the Cabinet,

mentions the bills which it proposes to introduce in Parliament and states that the proposals for expenditure will be placed before the House of Representatives for its consideration. In a session, therefore, the Parliament will be called upon to perform various types of duties such as considering ordinary bills or financial proposals. Usually, the House begins its work by debating the Speech from the Throne, because this gives an opportunity to discuss the total policy of the Cabinet. This debate takes about two to three days and it is begun by the government party *moving an address of thanks* for the Speech from the Throne. After this debate the main work of the House varies from day to day. On certain days the House may discuss ordinary bills. On certain days it may discuss financial proposals. Usually the House discusses the main financial proposals for about twenty days in a session. On other days the House may discuss motions sponsored by the government or the opposition or private members' motions. The House therefore has to consider a variety of subjects in a session but debates one or more of these items as the main business in a particular day.

The House however does not sit every day of the session. Normally it sits on Tuesdays, Wednesdays and Thursdays between 2 p.m. and 6 p.m., and on Fridays between 10 a.m. and 12 noon and again between 2 p.m. and 5 p.m. every alternate week. At these stated times (i.e. 6 p.m. on Tuesdays, Wednesdays and Thursdays and 5 p.m. on Fridays) \* the House *stands adjourned* till the next sitting day. It can also adjourn for longer periods if it so desires.

Whatever the main work in a particular day may be (i.e. discussing a bill or a proposal for expenditure of public money or a motion sponsored by the government) on each day the House follows a particular procedure. Soon after the House assembles for the day several items of formal business are taken up. These consume little time and are not controversial. The order in which such business is taken up is as follows: introduction and oaths of new members (e.g. if there has been a by-election), messages from the Governor General (e.g. stating that he has assented to bills), announcements by the Speaker, presentation of papers, presentation of reports from committees, and petitions. We need not stop to examine these items at the moment, what it is important to note is that they take very little time.

\* On 3.5.54 the House accepted a motion as a result of which the House decided to sit till 8 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and 5 p.m. on Fridays for the session begun in May 1954.

Soon after this formal business comes *question time*. Not more than half an hour is allotted for this each day. During this period questions are put to members of the government and most of them are answered. The procedure followed at question time in Ceylon is the same as in Britain. It is dealt with in more detail in Chapter XII.

Soon after question time begins what is called *public business* which is the main business of the day. We cannot here attempt to discuss all forms of public business in detail. Let us therefore consider the two main items of public business, namely ordinary bills and financial business.

Bills (i.e. proposals for law) that come for consideration of the House are of several kinds. Firstly, there are bills sponsored by the government and bills sponsored by private members. Each of these categories may be further divided into two. The government, for example, may sponsor bills affecting the people generally, i.e. the public; or bills affecting only a private person or a group of private persons and therefore called private bills. Thus bills can be (i) government bills, either public or private or (ii) private member's bills, either public or private. Government public bills are the most important. We noticed earlier how the Cabinet first approves such bills before introducing them to the House. The House follows a certain procedure in considering bills. According to the procedure in the House of Representatives a bill must be considered at several stages, normally with intervals in between them. Thus the House requires that a bill should be 'read' a first time, then read a second time, and then considered in committee, after which the committee should report on its conclusions, which the House considers again (called the *report stage*); finally it is read for the third time. There is no doubt that this is a valuable procedure. It means that normally a bill will not be approved or rejected in a single day, thus enabling members to study it carefully and the public to make its opinion on it felt before it is finally approved.

When the government wants to introduce a bill, it hands a copy of it to the Clerk of the House. At the commencement of public business, on a day fixed by the Cabinet, the Speaker will call the name of the Minister or Parliamentary Secretary concerned with it. The latter will then rise in his seat and bow, and the Clerk will read the title of the bill. The bill is then considered to have been read a first time. At the request of the Speaker, the Minister or Parliamentary Secretary will name a day for the second reading. Before this day arrives, the bill will be printed and distributed

among the members. On the day fixed for the second reading members debate the general merits and principles of the bill. At this reading the Minister or Parliamentary Secretary will make a speech outlining the aims of the Cabinet in introducing the bill and explain why it thinks the bill should be passed. The opposition members criticize it, and the government members generally support it, while drawing attention to small weak points (if any) which may be reconsidered. At the second reading the government gets a chance to explain the bill and the opposition a chance to show its major weaknesses. At the end of the debate, however, the bill will normally be approved because the government has a majority, but an opportunity will have been given to the opposition to criticize it.

After the second reading the bill is sent to a committee. Committees are of various kinds: there are two standing committees in the House called Standing Committees 'A' and 'B'. These committees consist of about 30 members each, while three additional members may be added when necessary. Many bills are considered in these committees. At the committee stage the principles of the bill as approved by the House cannot be changed but minor changes not affecting the principles are possible. This stage enables the government to make minor concessions both to the opposition and to private members of its party.

More important or urgent bills, and also non-controversial bills, are considered in a Committee of the Whole House, in the first two cases in order to enable adequate consideration to be given, and in the last case for the sake of speed. The whole House sitting as a Committee is unhampered by certain restrictive rules of the House. For instance a member in the House can speak only once on a motion regarding some aspect of a bill whereas this rule does not apply in committee. There are also committees called Select Committees. Some bills are sent to Select Committees if they are of a technical nature.

All committees must report on the bills committed to them. If a bill is reported to the House by any committee without amendment, it may be read a third time without having a *report stage*. If a committee reports a bill with amendments the House will consider the report of the committee before the third reading. Generally speaking the third reading, like the first, is purely formal. At the third reading as in the first, there is no debate and often the bill is passed without a division. When a bill has gone through these stages it is sent to the Senate.

One of the most important things the House is called upon to

do in a session is to consider the proposals for expenditure for the coming financial year. In Ceylon, the financial year begins on the 1st of October and ends on the 30th September the following year. Parliament must approve the proposals or expenditure for that year before the 1st of October. When the Cabinet has decided upon the expenditure to be incurred, stating the amounts of money allocated to different activities, it draws up a bill to seek the approval of Parliament. This is called the Annual Appropriation Bill. This bill is introduced and read for the first time in the normal way about the month of June. A date is fixed for the second reading, usually in early July. On the first day of the second reading, the Minister of Finance opens the second reading debate by making what is called the *Budget Speech*. In this speech the Minister surveys the financial position of the country and the estimates of expenditure and revenue for the coming year, and mentions the ways in which the revenue is to be obtained. Usually there are changes in these ways. For example, income tax may be increased or decreased, customs duties may be imposed on new items or raised or reduced on others. This is why the budget day is so important. After this speech, the consideration of the bill takes the usual forms, with the important provision that at the committee stage the Annual Appropriation Bill must be considered in a Committee of the Whole House. After the third reading the bill is sent to the Senate.

These, then, are the two most important items of public business. There may be others from time to time. For example, after the Speech from the Throne, there is what is called an address of thanks. Formally, this is a motion thanking the Governor-General for the Speech from the Throne. In effect it enables the opposition to criticize the government's policy as shown in the Speech from the Throne. This motion is usually debated for about three days, so that under the item 'public business' this motion will be debated in those three days. There are other items of public business also; for example, motions of censure or no-confidence, usually sponsored by the opposition, and motions of thanks or approval, sponsored by the government, belong to this group.

Every day on which the House sits, therefore, there will be some formal business, questions and some public business. Usually, every day when the House is sitting, a motion for the adjournment of the House till the next sitting day is moved half an hour before the time fixed for its automatic adjournment. This is done to give that half-hour also for discussion of matters

of interest to private members. In Ceylon, this half-hour is usually used to put questions to the government, it has the advantage that a member can also make a short speech as a preface to his question.

**The Senate.** All this time we have discussed the House of Representatives because it is the chief partner of Parliament. Yet the Parliament of Ceylon consists of a Senate as well. The Ceylon Senate consists of thirty members. Fifteen Senators are nominated by the Governor-General on the advice of the Prime Minister and fifteen are elected by the House of Representatives. To be a Senator a person must have the same qualifications as a member of the House of Representatives and also be over 35 years of age. Senators are chosen for 6 years, one third of the number retiring every two years.

The Senate has little power. It can ask questions, express its views on various matters and criticize the government. Yet it cannot make it difficult for the Cabinet to govern as the House of Representatives can. The House can do so by refusing to pass the laws necessary for government or by refusing to grant money wanted by the government, but the Senate cannot do these things because, as we shall see later, the House can override the decisions of the Senate.

According to the Ceylon Constitution, a bill must go through several stages before it becomes a law, i.e. before it becomes an Act of Parliament. Firstly, it has to be passed by the House of Representatives. Earlier we saw how the House does this. Once a bill is so passed it is sent to the Senate. The Senate may pass the bill, in which case it will be sent to the Governor-General, who will normally assent to it. If the Senate does not approve of a bill passed by the House, it can delay the bill for about a year, after which time, if the House has passed it again, it will be sent to the Governor-General, who will assent to it. In either case, as soon as the Governor-General assents to a bill, it becomes an Act of Parliament. In the case of a bill dealing with money matters the Senate can delay it for a month only, after which the Governor-General will assent to it and it becomes an Act of Parliament. This is the case in regard to the Annual Appropriation Bill which deals with the grant of money to the government. It is the same with other bills regarding income tax, customs duties, etc., which deal with obtaining money. You will see, therefore, that the Senate has little power over ordinary bills and even less power over money bills. In other words, the Senate can only delay the

passing of laws required by the government and cannot refuse the money which the government wants.

The function of the Senate is to discuss and sometimes to delay the passing of certain bills. For this the Senate, like the House of Representatives, has a presiding officer called the President of the Senate and rules called the Senate Standing Orders. In the Senate, too, time is allowed for questions, motions and debating bills.

Since the Senate has such little power, you may wonder why there should be a Senate at all. It is argued, however, that the House of Representatives may pass bills without considering them adequately, or that the House may pass bills because the people demand them through their elected representatives, even though such laws may not be good for the country. Therefore, it is urged, it is good to have a Senate which can delay such bills passed by the House. It is also pointed out that there may be persons of great eminence who do not like standing for election but who could give valuable advice in passing laws. Finally, it is said that a second legislative body or a Second Chamber like the Senate must be of some use, since there are second chambers in almost all the countries in the world.

Of course, there are certain other people who do not accept these arguments. They say, firstly, that the Ceylon House of Representatives has passed very few laws without adequate consideration. Even where it has done so, the Senate has not delayed the passing of such laws. On the other hand, if the people demand a law it should be passed, as the government should carry out the people's wishes. They argue that no one, not even the Senate, can know what is good for the people better than the people themselves. Nor do these people agree that eminent persons should be in Parliament without going through the process of election. They say that only those chosen by the people should govern the people. Now we can see that there are differences of view on the subject of a second chamber for Ceylon; some people are in favour of it and some against it. In the last resort, on matters of this nature, the best judge should be the people themselves.

**Parliamentary Democracy in Ceylon.** So far we have taken a general view of the broad pattern of parliamentary government in Ceylon. Parliamentary government is a method by which it is sought to give political freedom to a people. In Ceylon, however, we have not secured the highest degree of



political freedom which parliamentary government can give. Firstly, many people in Ceylon are not free from want. We noticed earlier how the lack of freedom from want can have a bad effect on a democratic society. We must work for freedom from want for all our citizens, not only for humanitarian reasons but also for democratic reasons. Secondly, many of our people are not educated enough and so use their political rights without thinking deeply. What we must do is not to remove the political rights from these people, but to educate them so that they can benefit from their rights. Thirdly, our system of elections needs to be improved to give every person equal political rights. The way in which constituencies are demarcated should be reconsidered with the intention of giving each voter a fairly equal voice in electing members. Efforts should be made to eliminate bribery and corruption, because to obtain votes by such means is undemocratic. There is also impersonation and intimidation at elections, and thus the real voters are denied the chance of voting. Many of our people still vote according to caste, community or religion. All this is undemocratic. The people should vote according to the policies of the parties, then only can they control the way they are governed. It is our duty as citizens of Ceylon to exercise our rights after earnest consideration, with the welfare of our country at heart, and not to abuse them for private gain. For in the long run, if the country suffers, all the citizens will bear the pain of that suffering.

## CHAPTER VIII

# THE ANONYMOUS RULERS : THE ADMINISTRATION

**The Public Service.** In the last chapter we saw that the power to decide how we should be governed rests with the Cabinet so long as it has the support of Parliament. In fact the main function of the Cabinet is to decide the way we should be governed and to see that we are governed in that way. This is why the Cabinet's main duty is said to be policy-making. It is possible for a Cabinet consisting of fourteen Ministers, as in Ceylon, to decide policy ; some people go so far as to say that the smaller the Cabinet, the easier it will be for it to come to decisions on broad, efficient, national policies. But a small body like the Cabinet (and even the largest Cabinets, as in the United Kingdom, do not generally have more than twenty ministers) cannot carry out this policy by themselves. In other words, the Cabinet cannot administer the policies it decides to pursue. The Cabinet needs the assistance of people who will carry out the policies which it decides upon. What the Cabinet can do is to supervise the way these people carry out their duties. Let us take an example. If the Cabinet decides that all persons over seventy years of age should receive old age pensions, the Ministers cannot roam the country taking a list of such persons and distributing their pensions themselves. There have to be other people who will do that kind of work. At any time, therefore, it is necessary to have a large number of people to carry out the decisions of the Cabinet. These people are called *public servants*. You may wonder why they are called public servants, but if you have read the earlier chapters carefully you may have guessed the reason. We saw earlier that Parliament and the Cabinet are there to work for the welfare of the public, and the public servants are there to serve the public according to the manner that the Cabinet has decided. Public servants are not the masters of the people but their servants. Their duty is to perform the functions which they have been charged to carry out by the laws of the country and by the Cabinet.

Public servants, because they are public servants, ought to carry out their duties according to certain principles. They must remember that they are servants of the public and therefore ought to be impartial, honest, courteous and efficient. They

must not be partial to one citizen rather than another, because they should work with the welfare of all the citizens at heart. They must be honest, for dishonesty would be against the welfare of the people. They must be courteous, because the public have a right to be treated courteously. They must be efficient so that the country may benefit from the decisions of the Cabinet.

At the same time we, as citizens, must remember that public servants are servants of all the people and not of any one individual. We cannot order them about as we would order our domestic servants. We ought to be courteous to them ourselves. We must not ask them to show partiality to individuals, but wait our turn as members of the public. Even if, at certain moments, the way public servants carry out their duties is irksome to individuals so long as we are satisfied that public servants are performing their duties according to correct principles we must not become resentful.

This is only one aspect of the duties of public servants. The other is that they should be politically neutral. In a parliamentary democracy the government of today may become the opposition of tomorrow, while the opposition of today may become the government of tomorrow. Since governments may thus change, the public servants must be willing to serve any government efficiently and impartially. If public servants are in favour of one government they may be against another, if they are partial towards the policies of one government they may not carry out the policies of another government efficiently. This is why public servants must be politically impartial or neutral. They ought to carry out the policies of whatever government may be in power.

This does not mean that public servants should have no political opinions at all. In fact all public servants do have their own opinions. As citizens they have a right to think about what policy is best for the country, and a right to vote for whatever party they like. Yet as public servants they must not take part in active politics. They must not make political speeches, or canvass for candidates at election time. They may go to political meetings to listen to what the various parties and candidates for election say, but they must not actively support anyone except by casting their votes as they individually desire. Political neutrality means therefore, that public servants ought not to take an active interest in politics, although they have a right and a duty as citizens to think about the way the country is governed and vote for that party or candidate which they think is good for

the country. It means that they must serve whatever government is in power loyally.

The political neutrality of public servants is necessary for another reason. Public servants are generally appointed to the public service on a permanent basis. Once a person is appointed to the public service he is not dismissed so long as he performs his duties well. If a public servant is partial to one government, another government may be compelled to dismiss him from service, since it is possible that he may not carry out the new government's policies efficiently. If the permanency of tenure of the public service is to be maintained public servants must be politically neutral. Of course, every democratic government must encourage public servants to be politically neutral; if a government does not do so, the whole basis of the public service may have to be changed. In the United States of America, where the chief public servants are appointed for party reasons, whenever the other party comes into power it dismisses the existing chief public servants and appoints new ones. In Britain this does not happen because public servants are generally neutral as between political parties.

The political neutrality of public servants is therefore necessary in order to maintain permanency of tenure in the public service. The latter is necessary in order to have an efficient public service. The people of a country have a right to expect that the public servants should be efficient because it is the people who pay them, and the people have a right to expect the best for the money they pay. In order to have an efficient public service several things are necessary. Firstly, persons should be appointed to the service on the basis of merit; they should be appointed after competitive examinations so that the best persons available get the posts. This principle was evolved in Great Britain and was introduced into Ceylon. Secondly, they should have permanency of tenure so that they can be secure in their posts, which will enable them to work impartially and efficiently. If there were no permanency, public servants would have to work in such a way as to continue in their posts, and in doing so they might not be able to be as honest and as impartial as they ought to be. Thirdly, their promotion should be based on merit rather than on any other factor. They ought to know that their future depends on honest, efficient work and not on partiality to parties or persons with a view to promotion. Fourthly, disciplinary action should not be taken against them for political reasons. Public servants should be able to feel that they will not have to

suffer punishment provided they work impartially and with honesty

When we consider the early history of Ceylon, we find that the principles mentioned above were not always followed. In ancient Ceylon where feudalism still prevailed the government was largely in the hands of the king and the feudal chiefs. The policy of the government was carried on by persons who were mainly appointed for reasons of class, caste and support for the king or the chiefs, as the case may be. Ceylon did not have a permanent public service as we know it today until modern times. When Ceylon became a Crown Colony of the British in 1802 the beginnings of a public service were established. But at this time the important public servants were always Europeans. In 1833 the principle was accepted that Ceylonese also should be appointed to these posts, although in fact this was not done until many years afterwards. With the economic development of the country during the century that followed, the government was called upon to regulate many activities and take part in others which had been neglected for hundreds of years, since the time of the early Sinhalese kings. The government undertook to build roads and railways, irrigate the land, establish schools and hospitals and regulate trade. All this meant that more and more public servants were necessary. Since more Ceylonese were also receiving their education in English, many of them obtained places in the public service. During the period of the Donoughmore Constitution one of the big issues was whether the Ceylonese should be given the opportunity to fill the chief posts in the public service. During those sixteen years, the British Government gradually granted this right to Ceylonese, but soon after, with the grant of Dominion Status, the Ceylon Government obtained the fullest freedom to appoint its public servants as it liked. The principles of the Ceylon public service today are therefore those which the Ceylon Government accepts.

The Ceylon public service of today shows in general the characteristics which were mentioned earlier. Its members are mainly appointed on a permanent basis and can remain its members so long as they perform their duties well. They are appointed largely on the basis of competitive written examinations which seek to test their ability and intelligence. Their promotions depend partly on efficient work and partly on seniority. The appointment, promotion and discipline of public servants, barring certain exceptions, are in the hands of a Public Service Commission. The Public Service Commission is a body consisting

of three persons appointed by the Governor-General on the advice of the Prime Minister. The Prime Minister is expected to recommend efficient, honest and capable persons for this body so that the work of the Public Service Commission is carried out well.

The main reason for the appointment of this body is to remove the control of the public service from the hands of those interested in politics. It was feared that, if this control remained in the hands of politicians, partisanship, both political and communal, might influence the control of the public service. It was with the intention of having an honest, efficient public service which does not have to be partisan that the Public Service Commission was appointed and the public service placed in its hands. The Public Service Commission conducts all the competitive examinations for appointment to the service. It decides on the qualifications which various grades of public servants ought to have. It decides on the transfer of officers, their promotions, discipline and dismissals.

In spite of this provision, many people still think that there is political interference in the public service. Whatever the truth of this accusation may be, it is important that no occasion should be given for such charges to be made. If the people do not have confidence in the public service it may lead to a lack of confidence in democratic government. It is our duty as citizens to see that the public service is as efficient, honest, impartial and free from political influence as is humanly possible.

In Ceylon there are several grades of public servants. They can be roughly classified as follows :

The Administrative Grade ;

The Executive Grade ;

The Clerical Grade ;

The Manual Grade.

Of course, it is not possible to place every public officer in one of these grades ; there are some officers who do not fall exactly into any one of them. Generally, however, this is a useful division. The manual grade public servants are those engaged in manual work in the government establishments, e.g. labourers in the Ratmalana Workshop. These persons may be skilled or unskilled workers and are not appointed after competitive written examination but after competitive interview. In any case, written examinations can show little about the merit of manual workers. The interview system alone, however, leaves itself open to many abuses against which any government must protect itself.

The clerical servants are appointed after competitive written examination. Every candidate should at least have passed the Senior School Certificate examination and also should be a Ceylon citizen under 21 years of age. The clerical service has several branches. There is the general clerical service whose members may be transferred to any section of the public service. There are also clerical servants attached to special services like the Postal clerical service, the Railway clerical service, and so on. These officers are generally transferred only within their particular service.

The executive service is a class of officers between the clerical and administrative grades. Such officers as Labour Inspectors and Social Service Inspectors belong to this grade. The qualifications that are required vary from the S S C level to a University degree.

The administrative grade is the highest grade.\* Appointments are made to this service after a written competitive examination and interview. Candidates must be graduates of a recognized University and between 21 and 24 years of age. (In the case of candidates for the Overseas Service the upper age limit is 30 years.) Government Agents, Assistant Commissioners of Local Government, etc. belong to this grade.

So far we have learnt about the need for public servants, the features of an efficient and democratic public service, the nature of the Ceylon public service and the various grades into which it is divided. What we have now to learn is how these officers are organized to carry out the policies of the government. In doing so we have to remember that the purpose of the government ought to be to look after the welfare of the people. The public servants are appointed to serve the people in the way the Cabinet and Parliament have decided. Generally speaking the people are served in four ways. Firstly the public service is there to protect the rights of the citizens as recognized by existing law. As citizens we have a right to go about our daily work in safety. For instance, you have a right to use the public roads to go from place to place. No one should prevent you from doing so. The Government must appoint public servants to see that no one prevents you from enjoying that right. The Police service is there for that purpose. There are many other rights that we have as citizens and it is the duty of the government to appoint public servants to protect those rights.

\* The administrative grade consists primarily of the Ceylon Civil Service and Civil List officers appointed to various departments. It is essential that public servants such as doctors are in a grade parallel to it.

Secondly, in a fairly developed country like our own, various individuals and groups of individuals provide services for the citizens. Take the case of the bus service. Bus operators provide a bus service because by doing so they obtain an income from their profits. The people benefit from the bus service since they can get about more quickly than if there were no such service. But the government has a duty to see that the service is efficient and safe. It cannot allow very old buses to remain in service, since the lives of the passengers must be safeguarded. This is why the government must regulate or supervise the bus service. In Ceylon, many of the goods and services we want are obtained from other individuals or groups of individuals who provide them; but the government has to supervise and regulate them for the sake of the welfare of the people.

Thirdly, where individuals do not provide services necessary for the welfare of the people, the government itself must do so, or if the essential services provided by individuals are too expensive, the government must provide them more cheaply or at no cost. If we take the case of the health service, we can see the importance of this. If we are rich, we can obtain the services of private doctors when we fall ill, but if we are poor we cannot do so. Yet the health of the people must be protected. This is why the government ought to provide a free health service for the poor. Similarly there are many other essential services which the government ought to provide.

Fourthly, the government ought to be continually working for the economic well-being of the people. By education, demonstration and example the government has to help the people to improve their standard of living. It is by this means that the citizens can become free from want.

Fifthly, the government has to find the money for all this work and see to it that the money is not wasted.

**The Departments of Government.** When we consider the various duties of the government, we can see one noteworthy feature. This is that we can divide these duties into various groups as was done in the earlier paragraphs. We can even divide each group again into smaller ones. For instance, we noticed that one group of activities is that of providing essential services; there are many different essential services like Health and Education. In this way the various duties of the government can be divided into small groups. It is very useful to do so, not merely in order to understand the work of the



government, but also to enable the government to carry out its duties efficiently. If a number of public servants are appointed to perform a small group of duties and these only, these officers will in time learn a great deal about them and be more efficient in their performance, and thus the public servants will give better service. It is also useful to the government in another way. If the government wishes to know how a particular duty or service is being performed, it will know whom to ask and where to look. This is why the functions of the government are divided into departments and put in charge of public servants. So we have the various government departments. There are a large number of these in Ceylon. There are the Departments of Police, Health, Education, Agriculture, Industries, Income Tax, Treasury and so on. Each department performs a number of duties which it has been asked to do.

Perhaps it will be useful for us to know why certain duties are performed by a particular department. Let us take as an example, to see the reason why, the case of the Department of Motor Transport. This department deals with such services as registering and licensing motor vehicles, examining their road-worthiness, granting driving licences, supervising lorry transport and road passenger transport, adjudicating on complaints from the public, supervising the service given by bus companies and trying to coordinate bus and rail transport. It is clear that these duties are all related to road transport and therefore to one another. It is because they are related to one another in the performing of a common service that these duties are put in charge of one department. In other departments also the same principle can be seen. Departments carry out a number of duties which are related to one another because they perform a common service. This is the case with any department of government, whether it be the Department of Education or the Department of Income Tax.

Most of the government departments have been constituted to perform certain duties which have to be carried out throughout the country. The Department of Education for instance is responsible for carrying out the educational policy of the government throughout the island. The Police Department has to police the whole country. If the government undertakes an irrigation project in any part of the country, the Irrigation Department will carry it out. In fact most of the departments carry out duties or perform services which are of an island wide nature. Some departments, however, perform their duties in one specific

place. The department of the Government Printer is responsible for all government printing but its work is all done in one place. The Ceylon Technical College is also a government department responsible for imparting technical education in its premises.

Depending on the nature of their duties, each department organizes itself to carry out its functions as efficiently as it can. The Income Tax Department is responsible for assessing and collecting income tax throughout the island, yet it has been found that this department can perform this function efficiently from its offices in Colombo. Although its function is island-wide, it does not have any branch offices in any other part of the country. Other government departments, however, have found that they cannot perform their functions efficiently unless their officers are sent to various parts of the country. Now this has to be done according to some plan or system. The various officers must know what their specific duties are and where these duties have to be carried out. It has also been found that it is difficult to supervise all these officers from one central office, called the Head Office. Therefore many departments have appointed fairly senior officers to supervise the work carried out by the department in different areas.

Each of these departments has divided the island into a number of areas and appointed officers to supervise the department's work in these areas. In the case of the Department of Agriculture, ten officers have been appointed to supervise the agricultural work in the nine provinces into which Ceylon has been divided, Trincomalee District being constituted a separate area. These areas are called Divisions. The Agricultural Department carries out its duties in ten field Divisions. Where it has been found that even a Division is too large for one person to supervise, it has been divided into Districts, each in charge of a separate officer. The Northern Field Division of the Department of Agriculture, for example, is divided into two Agricultural Districts, namely The Jaffna District and the Mannar-Vavuniya District.\* The officers in charge of the two agricultural districts of the Northern Division are supervised by the officer in charge of the Northern Division, who in turn is supervised by the head office.

In the same way, when any department appoints officers to work in different parts of the country, other officers are appointed to supervise their work in those areas and all the work is

\* Departmental districts are not the same as administrative districts.

supervised by the head office. It is clear now that some departments distribute their work on an area pattern.

Not all the functions of certain departments can be distributed in this manner. Some of these functions are such that, while they cannot be placed in charge of an officer in a particular area, they are of importance to the whole department. Such, for instance, is the case with regard to research carried out by several departments. Certain other functions are of such a special nature, demanding special expert knowledge, that they are placed under special officers. In the case of the Department of Agriculture, while there are field Divisions and Districts, there are also special officers in charge of research, officers who do specialized work such as botanists, entomologists, and so on. All these officers are supervised by the head office.

From what has been said above, it is clear that the departments of government are not organized on a uniform pattern. Some departments have only a central office, others have their functions distributed on an area basis, yet others have special duties performed by special officers. Even so, all these duties are supervised and coordinated by the head office.

Coordination is a very important aspect of administration. Officers are appointed to perform certain duties for certain purposes. These officers must perform their duties in such a way that they all cooperate to achieve the common purpose. If they act in such a way that the work of one officer is wasted because another officer does not perform his function quickly enough, then the government and the people will suffer. Let us take an example from the Department of Health. When a doctor in a hospital recommends a particular diet for a patient, there should be other officers ready with the necessary items of food to be given in the way the doctor recommends at the correct time. In everything the departments do there should be coordination. All this needs planning and consultation.

One of the reasons why the various activities of the departments at different levels have to be supervised is to make sure that the activities are well coordinated. In fact the activities have to be coordinated continuously, and the head office is the place where the major coordination of all the work of the whole department can take place. In any government department the head office is so arranged as to enable this to be done. Different departments organize their head offices in slightly different ways because of the differences in the nature of the services they perform, but all departments distribute the work of the head office

largely on a *functional basis*. This means that there are separate branches within the head office to deal with the various aspects of its work. In a big department like the Railways this is very clearly seen. The head office of the Railway Department is divided into several branches: Accounts branch; Operating branch; Administrative branch; Commercial branch; Civil Engineering branch; Mechanical Engineering branch; Stores branch; Railway Telegraphs and Electrical Signalling branch. The head office is divided into branches according to the functions they perform. For example, the Accounts branch keeps the accounts; the Operating branch is responsible for the running of trains, rail cars, etc.; the Administrative branch deals with the staff and their training and distribution among the services; the Commercial branch deals with the trading aspects such as tickets, parcels, mails and goods. In this manner each branch is put in charge of a particular kind of function. These branches are supervised by officers appointed for the task. It is the Head of the Department who supervises these officers and the work of the whole department. Like the Railway Department, other departments also distribute their work in the head office on a functional basis. Of course, the functions of different departments vary because they do different kinds of work. The number of branches in each department also depends on the nature and quantity of the work that it has to do.

It is now clear that the organization of a government department is no easy task. A department, if it performs an island-wide service, may have officers in different parts of the country organized into Districts and Divisions (the names vary from department to department), supervised by senior officers. These persons correspond with and obtain instructions, where necessary, from the head office, which is organized largely on a functional basis. The officer in charge of a particular area will write to that branch of the head office which deals with the problem in which he is interested. The officers in these head office branches are supervised directly by the heads of these branches and ultimately by the Head of the Department.

**The Ministries.** When the government wants a particular service performed it places that duty in the hands of a department. The department is organized to perform that service. Yet the government wants not one service but many to be performed for the benefit of the people. Just as the service performed by one department has to be coordinated by that

department to prevent waste and achieve efficiency, so the work done by all the departments must be coordinated if the government wants to prevent waste and give the best service to the people. In other words, the services performed by the various departments must be coordinated for the country's welfare. Not to do that would mean great waste.

Let us take an example. If the government wishes to improve the lot of the village people, it may decide to establish colonies of farmers on new land. To do this the land must be cleared, irrigation works carried out, dispensaries established, roads constructed and land distributed fairly in order to make the farmer's life pleasant. Now if the Irrigation Department carries out the work of building the tanks, but the Medical Department does not establish the dispensary, the farmers cannot move to their new houses. They will have to wait till the Medical and other departments perform their part of the work. If that takes a long time, the tanks repaired by the Irrigation Department may fall into disrepair again. Unless all the departments work in step, therefore, public money may go to waste and the people may not receive any benefit.

This coordination is being attempted at two levels. Let us find out a little more about these two levels. We learnt earlier that a group of duties which were related to one another may be put in charge of one department. In the same way a number of departments performing similar services may be placed under one Ministry. Several departments concerned with or related to education are placed under the Ministry of Education. Thus the Departments of Education, National Museums, Government Archives, Archaeology and the Ceylon Technical College are under the Ministry of Education. Just as the Head of the Department coordinates the work of the department, the Ministry *coordinates the work of all the departments under it*. In Ceylon the various departments of government have been divided into fourteen Ministries. The Prime Minister has the power to decide on the number of Ministries and on the nature of the departments which should be assigned to each. Since 1947, Ceylon has had fourteen Ministries, although from time to time the Prime Ministers have changed the departments assigned to each (see Appendix II). For the purpose of coordinating the work of the various departments under each Ministry, there is an official called the Permanent Secretary. At the moment of writing there are fourteen Permanent Secretaries each in charge of a Ministry. Since the work of coordinating a number of

departments in a Ministry is a heavy one, each Ministry also has a number of Assistant Secretaries to assist the Permanent Secretary. Directly over the Permanent Secretary is the Minister in charge of the Ministry. It is he who conveys the decisions of the Cabinet to the Ministry and places before the Cabinet the problems which the departments in that Ministry face. Of course, there are many occasions when the Minister himself decides on questions which the Permanent Secretary places before him. He does so, firstly, because the Cabinet has no time to decide on all the problems of the departments. Secondly the Minister will decide in a way which he knows will be approved by the Cabinet. Only if he thinks that the problem is very important, or affects other Ministries as well, will he place the problem before the Cabinet for discussion.

Now we know the importance of the Ministries for coordinating the work of the departments. We also noticed that when a particular problem affects several Ministries the Cabinet may discuss it. Since the Cabinet discusses only policy, the problem has to be one of policy. If, for instance, the Minister of Housing is thinking of introducing a way of encouraging house-building, he will probably place it before the Cabinet. The Minister of Local Government may be interested, since Local authorities also have power to build houses. The Minister of Finance will be interested because he will have to find the money for any financial assistance.

**Provincial Administration.** In the actual implementation of a policy, coordination at the Cabinet and Ministry levels, and even coordination in the departments, may not be enough. Since the whole purpose of government ought to be the welfare of the people, the work of government should be carried on in a cooperative way at every point. For this reason, in addition to the coordination points mentioned earlier, the whole of Ceylon has been divided into areas, and in each area the officers of the various government departments have been asked to coordinate their activities. Thus Ceylon is divided into nine provinces and twenty districts. From what has been said above you must not think that the country was divided into provinces and districts merely for the purpose of coordinating the work of government departments on an area basis. What we should understand is that this is the main function of the officers in charge of these areas today.

In fact Ceylon was divided into provinces and districts long

before Ceylon reached Dominion Status. This was done by the colonial government in Ceylon for purposes of convenience. Since the colonial government could not govern the whole country from the capital in Colombo, it appointed officers called Government Agents to the provinces and officers called Assistant Government Agents to the districts. The Government Agents acted as the agents of the government in Colombo in carrying out its instructions in the provinces of which they were in charge. The Assistant Government Agents were officers who helped the Government Agents to perform their functions in the districts to which the Assistant Government Agents were appointed.

The present position is different from what it was during the colonial period, but the division of the country into provinces and districts has been retained, largely for reasons of coordination. As we noticed earlier, Ceylon is divided into nine provinces and twenty districts. Each province is in charge of a Government Agent. Each province is also divided into a number of districts, each district being put in charge of an Assistant Government Agent.\* It is this division of the country on an area basis for purposes of administration that we call provincial administration.

The Government Agents and Assistant Government Agents have two kinds of duties. On the one hand there are duties which the government has specially handed over to these officers, some of the laws which government passes are administered by the Government Agents and Assistant Government Agents. Let us take a few examples. There are two laws in force in Ceylon called the Dog Registration and Rabies Ordinance and the Pawn Brokers' Ordinance of 1942. Under these two laws, for instance, the Government Agents are responsible for registering dogs, preventing rabies and giving licences to pawn-brokers. They also have to watch and control the consumption of opium and issue licences under various laws. In addition to these, the officers in charge of the provincial administration have to supervise and coordinate the work of other departments in their areas. For instance, they supervise and coordinate the collection of revenue, relief of distress, public health, food production, land distribution and land surveying, village expansion, forest administration, irrigation and public buildings. For all this work there are special departments of government, but the provincial administration has to coordinate this work.

Now even the provincial administration ought to be supervised

\* An Act was passed in April 1955 providing for the division of Ceylon into twenty administrative districts, each under a Government Agent.

by the government. As we noticed earlier, for everything that the government does, whether carrying out some duty or coordinating the work of other departments, the government is responsible to the people. The work of the Government Agents and Assistant Government Agents therefore has to be supervised. This is done by the Ministry of Home Affairs.

**The Treasury.** We now see that, whenever the government departments want to do anything, their work is coordinated at the Ministry, in the departments, and by the provincial administration. We also saw that if any activity affects several Ministries or is of great importance the Cabinet is consulted. There is, however, another place where the work of the government is considered closely before it is put into operation. Let us investigate this in some detail. We know that departments are all the time engaged in activities which the government has decided upon. When a government is elected by the people, it is very anxious to please the people so that it may be elected again. Members of Parliament and Ministers on the one hand, and the people on the other, want so many more things done for the welfare of the people. We also know that every time the government wants to do anything it must have money with which to do it. Before the government decides on a new service, it has to find out how much money it will cost. If the income of the government is going down the government may decide to reduce certain services which it has been performing. In that case also the government wants to know how much it could save by reducing that service. There must always be a body of officers who are all the time investigating the cost of the services performed by the government and who try to find out whether the same services could not be performed at a smaller cost. This function is performed by the Treasury, which is a very important government department. Since the Treasury knows all about the expenditure of the government, it can coordinate the work of the departments from the angle of expenses. Coordination is only one aspect of the work of the Treasury. As the name implies, it is the department in charge of the many financial duties of the government. It is responsible for keeping the government's accounts, supervising the expenditure of money, investing government money, managing the Public Debt, supervising the public service in relation to cadres, allowances, leave, advances, security and pensions, and for supervising the accounting services and systems of the government. The Treasury is



considered the most important department of government and its head is regarded as the chief public officer—the head of the public service.

We can therefore see that the work of the government is co-ordinated in many ways. The Cabinet coordinates the policy of the whole government so that the country may not waste money by pursuing conflicting policies. The Treasury examines all proposals for expenditure so that the money available is spent in the right way at the right time in order to get the best results. The Ministries, the departments and the provincial administration coordinate the actual performance of the services at those points where the services are made available to the public. For efficient government there must be coordination at all these levels.

**Responsibility of the Government.** The people of a country are only interested in whether the government in power works for the welfare of the people. A people may be displeased with the government either if its policies do not satisfy them or if the way its policies are carried out is inefficient, because in either case the people do not obtain as much welfare as they expect. This is the reason why the Cabinet is responsible not only for its policies but also for the way in which they are carried out. In the last resort the people hold the government responsible for all its acts and the acts of its agents.

Out of this responsibility of the Cabinet for all acts of commission and omission in regard to the government of the country arises a very important principle of parliamentary democracy. Since the public service is expected to carry out the policy of the government in power loyally, the public servants cannot be held responsible for bad government. For every act of government it is the Cabinet which is responsible. It is quite wrong, therefore, for the public to criticize public servants for anything that goes wrong in the government of the country, provided they are carrying out the government's policy as well as they can. It is the Cabinet which should be criticized. In Ceylon, even among educated people, the practice of blaming the public servants for wrong policies is not yet dead. It is, however, a practice which is contrary to parliamentary democracy.

## CHAPTER IX

### WHAT THE DEPARTMENTS OF GOVERNMENT DO

THE purpose of good government is to make available to the people those services which are considered necessary by them. All services, however, have to be performed by ordinary men and women like ourselves ; however good the intentions of the government may be, the services may not be so well performed as the people want. It may also happen that a government does not perform the services which the people desire. In either case, in a democratic country, the remedy is with the people. If they do not like the government, they have the power to reject it at the next election and elect a government which they think will govern better.

Whether a particular government is good or bad is for the people to decide. Each person should bring his experience to bear in making that decision. A government can tell whether it has the confidence of the people only at periodical elections, but it is necessary for the people to know what services the government is performing before they decide to give it their confidence. In the pages that follow an attempt has been made to discuss some of the more important services which the government of Ceylon performs.

The primary duty of a government is to maintain law and order. We learnt in Chapter III that the ideal society is one where every person has all the personal, political and economic freedoms. We also know that no country has all these freedoms in their full perfection. The best we can hope for is a society where all these freedoms are available in some measure at least and where the opportunity is given to strive for their fuller development, so that all of us may approach closer and closer to the democratic ideal.

At any time, there are a set of laws in a country. These laws state what freedoms the citizens of that country have and what opportunities they have to strive for those freedoms that do not yet exist. Of course, some people may think that neither the freedoms available, nor the opportunities for achieving those which are not fully available, are adequate. They will then try to persuade the government of the day to improve them,

or else try to elect another government which they think will do so. The government of the day will not be unmindful of what the people say because they wish to be re-elected. So long as they are not convinced that the existing laws are inadequate, the government will try to maintain them. At any time also, all the people like some of the existing laws, but some people do not like some of the others, however, the government maintains all of them till it decides to change them in the accepted way. So long as a government is in power it must either maintain all the existing laws or else change them, as the people wish, but until they are changed they must be maintained, for otherwise there will be no order in the State.

**The Police Service** The duty of maintaining law, and therefore order, is given to several departments. One of the most important of these is the Police Department. The function of the Police Department is firstly to see that people do not break the laws. It does so by arresting those who break the laws and handing them over to the Judiciary to punish them as the law requires. This involves two kinds of duties: one, that of *detection*, and the other, that of *investigation*. If Police officers are on patrol and see a person trying to do an unlawful thing they should take him into custody and bring him before the courts for punishment. This is the function of detection. On the other hand, if it is reported that a particular unlawful thing has been done, the Police have to find out all the facts which may help to convict the law-breaker. If it is reported that a person has been murdered, then the Police have to find out the facts of the case in order to bring the murderer to justice. This is the function of investigation.

Secondly, the Police Department helps to operate rules which the community has decided upon for its convenience. Most traffic regulation is for this purpose. Traffic is regulated so that it can flow smoothly and so help everyone. There must, of course, be someone to regulate traffic at any particular junction or centre. Actually, any citizen could do this service if he were properly trained. Since there are few, if any, people properly trained or willing to do this service voluntarily, the Police perform this function also.

Thirdly, the Police are expected to help citizens by giving information and direction whenever they can. If you go to London, for instance, you will at first be amazed at the number of streets and roads, and will probably lose your way. In this

case the simplest thing to do would be to go to the nearest policeman and ask him the way, and he would tell you. He can not only give you your direction, but if you wish to know a place where you can get a cheap meal, or the nearest public lavatory or telephone booth, or many other pieces of information, he will tell you.

The function of the Police, if properly carried out, is a great service to the country. Since maintaining laws, operating rules of convenience and helping the ordinary citizen to get about his everyday business are all done with the intention of helping the people, the Police ought not to forget the purpose of their service. It is easy to be efficient without considering the convenience of the people; the great thing is to perform the service efficiently without forgetting the comfort and convenience of the people. Since the Police are there to do a great national service, the people should cooperate with them. Yet the people will not do so unless they are satisfied that the Police are doing their job properly. If the people are not cooperating then there is obviously something wrong with the way the Police service is performed. The ideal is for the Police Department to perform their service so well that all the people, barring criminals, will voluntarily help the Police. Unfortunately no Police Department is likely to reach that ideal situation quickly, although our efforts should be devoted to that end.

Our duty as citizens is to know how the Police Department in Ceylon carries out its functions. Since the task of the Police is to bring law-breakers to justice, they have to send their officers to all parts of the country for that purpose. In other words, there should be no part of the island which does not have Police officers close at hand. In fact, there are some parts of the country which are not policed, but generally most of Ceylon is covered by the Police service. In 1954, the Police Department had 221 police stations, each station being in charge of a certain part of the island. New police stations are being established in those parts where none exist at present. Each police station is supervised by a sergeant. All the police stations in a District are supervised by an Assistant Superintendent of Police. The responsibility for supervising all the work in a Province is given to a Superintendent. Ultimately the final control of the Police Department is in the hand of the Head of the Police Department, who is called the Inspector-General of Police. These Police officers, organized on an area basis, are expected to perform the three main duties of the Police. They are expected to

help detect crime or investigate it, help control the traffic, and help citizens by information and direction

It has been found by experience, however, that the placing of officers in different parts of the island, each supervised by a higher officer until the Inspector-General of Police is reached, is not enough. It has been found necessary to have specialized branches to help these officers in certain matters. The Police Department therefore runs three branches called the Crime, Special and Technical branches

The Crime Branch investigates acts of serious crime and helps the Provincial and District Police in difficult cases. This is a very necessary service. Sometimes clever criminals can commit a crime and remain undetected unless a group of officers trained and experienced in detection are there to track them down. If you have read detective novels, you can imagine how clever some criminals can be, the Police have to be even cleverer and better organized in order to catch them. The Crime Branch is responsible only for the detection and investigation of serious crimes. According to Ceylon law several kinds of actions can be called crimes, for example, homicide, hurt with dangerous weapons, burglary, cattle theft, exposure of children, etc.\* are all crimes. Yet homicide or murder is more serious than cattle theft. The Police in the Provinces and Districts can investigate the less serious crimes, but can call for the help of the Crime Branch if necessary.

Sometimes the Crime Branch itself may need special assistance. For instance, if the Crime Branch investigating a case of homicide has expert assistance regarding finger prints, past records of possible suspects etc. it can do its work far more efficiently. The Technical Branch is there for this purpose. The Technical Branch includes a Finger Print Bureau, a Criminal Record Office and a Photographic Bureau. Let us take a case that occurred in 1950. On the night of 25th January 1950 there was a burglary in Wellawatte. The Police found the fingerprints of an unknown person. When the Police compared these with their records of fingerprints of possible criminals, they knew who the burglar was because in their records they had the name and photograph of the person whose fingerprints tallied with those found in the burgled house. This man was

\* The complete list of crimes includes abduction, armed robbery, theft, exposure of children, grievous hurt, larceny, rape, assault, hurt with dangerous weapons, rape, unnatural offences and robbery over 1½ p.m. and bicycle thefts.

found guilty by the courts. This is how one specialized branch helps another. The Special Branch is organized to watch over the activities of foreigners in this country. Among the large number of foreigners living in Ceylon, there may be a few criminals, and the Special Branch has the duty of arresting any such criminals.

We can now see the pattern of the Police Service in this country. The main functions of the Police are to prevent people from breaking the laws by detection and investigation, and to commit law-breakers for trial; to operate the rules of convenience; to help citizens in matters of general information. These are being performed by the Provincial and District Police, even though the performance is not a perfect one. In fact, the constant criticism of the Police by the Judiciary and the public shows that much has yet to be done to make our Police service a good one. There are specialized branches to help in the performance of the more difficult duties such as the investigation of serious crimes. All these branches, and the territorial Police, are supervised and controlled by the Inspector-General of Police, who is helped by a number of officers at the head office.

Maintenance of law and order is necessary if any social group is to exist. Even so, there is value in a social group only if it gives opportunities to its members to develop themselves to a greater extent than they could by living as isolated individuals. The value of the social organization called the State lies in its efforts to give these opportunities to its citizens. No two functions of a modern State are more important in this respect than the health and education services. This is the reason why modern governments, if they are democratic, attempt to give the citizens the advantages of good health and education services.

**Education.** No one denies the need for a good education service in a modern State. From the democratic point of view it is necessary because each and every citizen ought to partake in democratic government, and the more educated the citizen is, the better his or her contribution to the process of government will be. Since the purpose of democratic government is to make the good life available to all, it must impart education to all citizens so that they may enjoy the fruits of civilization. Education releases intellectual energy. It makes people value the graces of existence. Only education makes art and the amenities of polished and dignified social relationships worthwhile.

Education also makes more capable citizens. The more educated a citizen body is, the more successful will it be in earning its living and thus in being free from want. Thus from the political, social and economic points of view education is necessary for a democratic society.

The Ministry of Education is the agency which the government uses to perform the service of education for its citizens. Under the Ministry is the Department of Education which is primarily responsible for the education of children and young people. In view of the fact that colonial government in Ceylon had not performed this duty adequately, the Department is also called upon to assist in the education of adults.

In performing its duties the Education Department is only carrying out the policy of the government. The education which the Department imparts is mainly *liberal*, though partially *practical* and *physical* also. The emphasis in most schools is on subjects like reading, writing, history, geography, art, music and religion, although practical subjects like handwork and crafts like carpentry, lacquer work, leather work etc. are also taught. A liberal education is thought to develop the personality of the child in a harmonious way, while practical education is useful to society in training the children to earn their living, at the same time it emphasizes the importance and value of manual work.

All this education the Department makes available in the large number of schools which it runs or assists. These schools have been divided into grades for reasons of better management. There are primary schools which teach pupils up to about 11 years of age and secondary schools providing teaching after this age. It is only at the secondary school stage that practical education is introduced in any considerable measure. A few schools teach at least one craft in the secondary school stage. No education, of course, is complete unless the development of the mind which liberal education helps is coupled with physical education which helps develop and control the body. However slowly the beginning may have been, physical education has now begun to be given seriously in most schools. Education in Ceylon, therefore, while remaining largely liberal, has begun to give importance in increasing measure to physical and practical education.

To operate the policy of the government regarding the content of education is only one duty of the Education Department. It has also to find the buildings and train the teachers for the

task. With the assistance of the Public Works Department it has to put into operation the government's building and maintenance programme in relation to schools. The Education Department has to supervise the maintenance of existing government school buildings and their equipment, put up new ones and supply equipment to them.

It has also to train teachers or obtain the assistance of the University in doing so. In fact it does both. It has its own training schools, while the University provides graduate teachers and gives them further training in the theory and practice of education.

The third function of the education service is to assist the students to profit from the service by removing those difficulties that are in their way. For instance, pupils who desire to profit from the educational service may be handicapped if they are not healthy or are ill-fed, or if they cannot afford to pay school fees. In Ceylon, there is a school health service which is free. Education itself is also free within certain limits. It is free from 5 to 14 years of age. At the 8th standard level the Department of Education holds a fitness test. Those who pass this are allowed to continue in secondary schools without fees being levied till they reach 19 years of age. The rest are required to join free practical schools wherever they are available. Of course, a pupil is allowed to attend any recognized school which is not operated or assisted by the government and pay fees for that education. Within the limits mentioned above secondary education is free.

These, then, are the main functions of the Education Department; but in order to carry out these main functions, it has to undertake the performance of other related duties. For instance, in implementing the government's policy on the nature of education, i.e. whether liberal, practical or physical, the Department is called upon to decide on questions such as subjects of study, syllabuses and textbooks. In providing school buildings, it has to relate the structure of the building to the purpose to which it is to be put, while remembering that the country does not have enough money to be able to afford to have the ideal buildings. It has to train teachers in methods of teaching, and must pay them high enough salaries if it wants to attract good teachers. It has to organize the distribution of mid-day meals or free books if the government so decides. Examinations have to be conducted to find out how the children are benefiting from the education they get and certificates are issued to them



if they pass \* The Department of Education is also responsible for performing a limited educational service for adults and for handicapped children such as the blind, the deaf, the dumb and the crippled

All this work means that the Department has to employ a large number of people to carry out these duties, and also that the Department must be well organized if the work is to be coordinated and efficient. You can get an idea of the work done by the Department if you realize that in 1954 it supervised 6,894 schools having an enrolment of 1,625,742 pupils. The number of teachers employed by these schools was 40,283. For the year 1953-4 it spent Rs 135,247,055 in the performance of these services.

All this work is in the hands of the Department of Education, whose chief officer is the Director of Education. He is assisted by a large number of officers and teachers in carrying out the work of the Department. All the work connected with the education service, however, is not done by the Education Department. There is, for instance, the Technical College for higher technical education, while the government pays most of the expenses of the University of Ceylon, which is responsible for higher education.

The Department of Education is chiefly concerned with imparting knowledge to the young. The Technical College and the University, while doing the same thing at a higher level, are also engaged in seeking knowledge about things still unknown or known imperfectly. But education is not merely the imparting and seeking of knowledge for the benefit of the younger population. The function of education is to make the citizen understand and appreciate the environment in which he lives. That is why education involves the provision of opportunities to appreciate the culture of different peoples and the environment of man. The Departments of National Museums and Archaeology and the Government Archivist perform functions which are useful for that end.

In spite of all that is being done, we cannot say that our educational service is perfect. Not all the children in our country go to school. There are not enough schools nor enough teachers, and not all the teachers are adequately trained. Many children cannot benefit even from the existing service because of economic handicaps. A large proportion of the adult popula-

\* There is a separate Department of Examinations under the Ministry of Education for this purpose.

tion is still illiterate. The people of our country still do not have enough opportunities to benefit from the rich heritage of mankind's achievements in art, music, literature, drama, science and the other arts. Partly the reason is our poverty; partly it is our apathy. It is our duty as citizens to try to achieve that full education without which the individual cannot get the best out of life.

**Health.** A good health service is as important as education if the citizens are to make the best of themselves. A person who is diseased cannot enjoy the fruits of what he already possesses. His education, his wealth, his abilities cannot be put to good use if he is ill. From the point of view of the individual, good health is necessary for his better life. From the point of view of the community also, the necessity for good health cannot be over-emphasized. If a large number of citizens are victims of disease it will affect the community in several ways. Since they are not in good health they may not be able to earn their living. Unless the community helps them, they may not be free from want, and this, as you know, strikes at democracy. Secondly, they are not likely to be interested in partaking in the process of government nor in making their contribution to the cultural development of the community. Both detract from the development of a better life for everyone. Absence of good health is therefore bad for the individual and bad for the community. It is the duty of the State to provide as good a health service as possible for the citizens, for this reason.

In Ceylon the Ministry of Health attempts to discharge this responsibility. Of course, the Ceylon health service is not the best in the world and there are many ways in which it could be improved. We as citizens ought to contribute our views and assistance to improve the existing service. We cannot do so efficiently unless we know what the existing service is like. The work of the Ministry of Health may be divided into four categories: prevention of diseases; their cure; health education; and research to find out better ways of performing these functions.

Prevention of disease means the removal of those factors which cause disease. There are several ways in which diseases may be spread. They may be brought by visitors from other countries. There is therefore a Quarantine Department to see that this does not happen. There is a Port Health Service to see that incoming ships do not bring infectious diseases. For instance, a ship will not be allowed to disembark passengers

unless the officers of the Port Health Service certify that they are not suffering from infectious diseases. The Airport Service performs a similar function at airports.

Diseases may also be spread by the failure to take minor precautions, by consumption of unclean food, by contact with persons suffering from infectious or contagious diseases, by the presence of insects which carry communicable diseases, by unhealthy living or by failure to take medical attention during the early stages of a disease. The Department of Health attempts to perform the task of helping people to avoid these mistakes.

Many diseases are carried by water. The Department therefore tries to warn people of this danger and encourage them to use unpolluted water. The Department encourages the use of boiled water for drinking and assists in the construction of water supply systems. It employs sanitary officers to urge people to use latrines for the harmless disposal of excreta, and to build compost pits for the better disposal of refuse. It supervises the sale of food to see that it is kept clean and is not a carrier of disease. It prevents the spread of communicable diseases by vaccination and inoculation. It makes surveys of people suffering from such diseases, and removes them to special hospitals so that they may not infect healthy persons. It conducts special campaigns to eradicate serious diseases like malaria, tuberculosis, venereal diseases, filaria and leprosy. It plays an important part in maternity and child welfare by advising mothers and expectant mothers on the best ways of looking after their health and that of their children.

It is, of course, well known that malnutrition—the lack of sufficient food or food of good quality—is responsible for many diseases. Since many people in our country are poor, they cannot afford to eat the food that would make them healthier. Unfortunately the Department of Health cannot supply such food free nor provide the money for its purchase. The government and the citizens should strive to solve the problem of poverty. If everyone had freedom from want there would be no problem of malnutrition, but the Department of Health would still have the duty of finding out and informing the people which foods are the most nutritious. Even as it is, when all the citizens are not free from want, this is an important function because the people ought to know how they can get the most nourishing diet with the limited income they have.

The prevention of disease alone is not enough because diseases can escape the preventive net. The State must therefore provide

a curative service which will help to cure people who are suffering from diseases. This function is performed by the Department of Medical Services. This Department runs a large number of hospitals throughout the country. The biggest hospital is in Colombo, and is called the General Hospital. There are also several provincial hospitals and a large number of district hospitals, cottage hospitals and government dispensaries. The Department also runs separate hospitals for special diseases or special services. There are maternity hospitals, an Eye Hospital, a Dental Institute, an Infectious Diseases Hospital, mental hospitals, a Psychiatric Clinic and a Child Guidance and Young People's Clinic.

For a good health service, both the preventive and curative services must be efficiently run. But the people may not make the best use of these services unless they are informed of the importance of good health and how to achieve it. This is the function of 'health education'. At present health education is conducted in three directions—health education of the school children and of the professional workers in particular and of the people generally. This is done by means of health talks, health demonstrations, films and exhibitions, and also by assisting voluntary associations to contribute to this end. For instance, people may learn of the dangers of polluted water if they can be shown the disease-carrying germs found in unboiled water. If school children and adults are shown how people contract diseases, the consequences of such diseases and the way to prevent them, then a great step has been taken towards health education.

Finally there is the work of research. Scientists throughout the world are working to find cures for diseases for which no certain cure is yet known, or to find out better methods of curing well-known diseases. For instance, it was a scientist called Ross who found out that malaria was caused by the germs carried by the anopheles mosquito. Thanks to him, countries like Ceylon have been able to control malaria by preventing the breeding of these mosquitoes. We cannot always depend only on the research of other countries, because there may be diseases peculiar to Ceylon, or there may be opportunities of studying certain diseases in a better way in Ceylon. Besides, since we learn from the work of scientists from other countries we must contribute our share to scientific knowledge by working on our own. No self-respecting nation will want to benefit entirely from other people's work without working itself.

This is, in broad outline, the health service performed for the community through the Ministry of Health. There are many shortcomings which we ought to try to remedy. We need more doctors, more and better hospitals, more research, more health education. All this needs money, and in the last resort it is we, the people living in this country, who must find the money. Money, however, does not fall from heaven. Only by work, better work and more work can the citizens of Ceylon find the money. If the work of producing wealth in the country is planned, encouraged and helped, we shall be the wealthier. Work ought to be planned in order to avoid waste, it ought to be encouraged by various incentives so that people may work in earnest. But however earnest a person may be, without some assistance his efforts may not be used to the full. This is the reason why the State ought to plan, encourage and assist the producers of wealth in the country.

In Ceylon there are several Ministries which attempt to perform this function. The government of the day decides how best this could be done. The opposition parties may not be satisfied with that decision, in which case they must try to persuade people to accept their views. Till such time the government will carry out its policy of planning, encouraging and assisting the production of wealth according to its views.

**Agriculture.** We learnt in an earlier chapter that we produce most of our wealth by means of agriculture. To assist the development of agriculture according to government policy is the function of the Department of Agriculture. Many other departments of government also contribute to the development of agriculture. To mention a few, the Irrigation, Forest and Rural Development Departments help to increase agricultural wealth, not all of these departments belong to the Ministry of Agriculture. However, the Department of Agriculture only is discussed here because it is the most important one in this respect.

The functions of the Department of Agriculture are threefold: agricultural research, the extension of agricultural knowledge to the people, and the imparting of agricultural education in special schools. Agricultural research is a very important function for a number of reasons. For one thing, by studying agricultural diseases, the research workers may be able to find out ways of eliminating them. By studying plant pests ways and means may be found to destroy them. Better methods of

safeguarding the fertility of the soil by manuring or by preventing soil erosion can be found by research. This is, in a way, a negative function.

In a positive direction, the research workers may discover high-yielding varieties of paddy or experiment with plant-breeding to develop new high-yielding strains. The Department of Agriculture has succeeded in some of its research projects and the benefits of its work are already being obtained.

Secondly, the Department attempts to encourage cultivators to use better and more modern methods, since they can obtain larger returns in those ways. For instance, farmers are encouraged to transplant paddy, harrow the fields in between growing plants, use more manure, introduce other crops like potatoes or chillies, etc. The Department believes that these methods will give the farmers a better yield.

Farmers are conservative in their ways, and will not change their age-long habits simply because agricultural officers ask them to do so. The Department therefore has to demonstrate what it preaches. One way in which this is done is to concentrate attention on a particular village and develop it according to modern methods as an example to others. The other is to have experimental farms which the farmers can come and see for themselves. So by persuasion, example and demonstration the Department tries to get the farmers to use better methods in their farming.

Thirdly, the Department runs several schools to train agriculturists. In Peradeniya there are two schools—one for boys and the other for girls—where training in agriculture is given. In 1954, the Department had fourteen practical farm schools where the children of village agriculturists who possess a minimum general education in the vernacular are trained.

Fourthly, the Department performs certain special services for the benefit of farmers. The main service now carried out is the veterinary service. The veterinary section attempts to prevent the introduction of cattle diseases such as rinderpest by close supervision, and to cure animals affected by animal diseases. It is also in charge of the cattle quarantine stations where imported animals are examined before they are allowed to land lest they bring infectious diseases. There is also a veterinary hospital in Peradeniya to give indoor treatment to animals infected with disease. Apart from these services the Veterinary Research Laboratory manufactures some of the vaccines used in the prevention and cure of animal diseases.

All this work needs a large staff of officers, researchers, demonstrators and so on. Some of them are in the field helping the farmers to practise better methods. Others are in laboratories attempting to find answers to various agricultural problems. Yet others are in offices organizing the work so that everything is done in as smooth and efficient a manner as possible. All of them, however, are under the control of a Director of Agriculture, who is answerable to the Permanent Secretary and the Minister of Agriculture for the efficient performance of these duties.

What we have so far discussed are the functions carried out by four of the most important departments of government. Altogether there were about eighty-seven such departments in the administration of Ceylon in June 1954. The purpose of all these departments is, generally speaking, three-fold. They regulate the activities of citizens in a manner which the government thinks is desirable; they provide services which the individual citizen cannot provide for himself or can only provide less efficiently, but which the government thinks are necessary for the welfare of the people; they also attempt to encourage and assist, or undertake themselves, the development of wealth in the country in a way which the government of the day thinks is best for the country. Some departments perform only one of these functions, others perform more than one and others perform all three. Provided the people agree with the policy of the government, the departments will be performing services which the people think are necessary. In no country in the world, however, will all the people agree with government policy, and therefore some people will see defects and shortcomings in the services performed. In a democratic country, if the services performed are not enough or are inefficiently performed, the people will hold the government responsible for the shortcomings, and if they are well performed the credit should similarly go to the government of the day. That is why the ultimate judges of the performance of a government should be its masters—the people.

## CHAPTER X

# SELF-GOVERNMENT 'AT THE GRASS ROOTS': LOCAL GOVERNMENT

IN the earlier chapters we learnt how the people of our country can elect a government and how the government sets about the task of doing the things for which it was elected to power. Thus the people can control the government and the government is responsible for the administration. In theory, therefore, the Cabinet and the administration can perform everything that the citizens want to be done. The central government—that is the Parliament, the Cabinet and the Administration—can carry out all the functions of government.

**Purpose of Local Government.** In fact, however, the central government does not do so, for a number of good reasons. When the central government performs a service, it generally attempts to do so in a uniform manner throughout the country. A police officer, for instance, should arrest a criminal whether he be rich or poor. This is as it should be, and yet all functions of government cannot be carried out according to a uniform pattern. Although it is the duty of the government to provide for higher education, in the present conditions of our country it would be folly to establish a University in every big town. It is true that the government should provide a good educational service, but it is wrong to think that the same type of school should necessarily be established in Colombo as in Bintenne. In other words, a uniform pattern should be avoided in certain spheres, and no central government will carry out all its activities in a perfectly uniform way. Even so, the tendency is to do so, because the central government, being responsible to the whole people, performs those services which are needed to solve problems common to the whole country. Yet we know that the conditions in different parts of the country tend to vary, and as a result their needs will also be different. It has been found that the particular needs of different areas will be better looked after if the citizens in those areas are given the responsibility for them; in other words, if local authorities are established to look after affairs of local interest.

Any country can be divided into a number of areas—large



or small—for reasons of differing conditions. Ceylon can be divided into a number of different regions for geographical, economic, linguistic and other reasons. It is not necessary for us to divide Ceylon into several regions and name them to appreciate this point, but for an illustration let us consider the Central Province in comparison with the Hambantota District. You will agree that there are many differences between these areas. The Central Province has a mild, damp climate, while Hambantota is generally hot and dry. Plantations are the main money-earning industry in the Central Province, while the salt industry occupies that place in Hambantota. The Central Province is hilly, whereas Hambantota is flat. Out of these and other differences arise different needs. Soil erosion is a big problem in the Central Province, but not in Hambantota. Road construction is more difficult, but also more important, in the Central Province than in Hambantota. In the same way the whole of Ceylon can be divided into regions which have different conditions and different needs.

Even within one particular region there may be several areas with different conditions and different needs, for other reasons. For instance, a big city has different problems from those of a village. Cities in two different regions may have more similar conditions and needs than a city and a village in the same region. This is because urbanization brings many complications in its train. A lot of people live in a relatively small space in urban areas and they earn their living in various ways. Their ideas and habits tend to differ from those of villagers. The provision of common services becomes more urgent in towns and cities. In the same way the conditions and needs of urban areas vary according to the degree of urbanization. A semi-urban area will differ in many respects from a fully urban area, while a small, fully urban community may differ from a very large urban community.

Now it is generally agreed that if these groups of people who live in areas each varying from the other and having different needs and conditions are given the power to look after their own particular needs, they will do so better than the central government. The central government has to deal with the problems which are common to the whole country, and therefore cannot pay adequate attention to the particular needs of particular areas.

The function of a democratic central government is to provide at least a minimum of all the services necessary for the welfare of the people throughout the country. Even so, it needs to

consult the people in different areas as to the way these minimum services are to be provided. Apart from this, if the people in different areas wish to have more services for themselves, then they themselves should pay for those services. The central government may be willing to pay for services commonly provided for the whole country, but not for special services for special areas. If there are local authorities looking after the needs of groups of people having the characteristics of a 'community', then these authorities can provide the special services which their citizens desire and make their citizens pay for those services. The existence of local authorities enables local groups of people to pay for and provide for themselves special services which the central government does not make available.

It may, of course, be that the central government cannot provide even a minimum of all the services necessary for the people throughout the country. It may decide to spend a limited amount of its resources in every part of the country, but not enough to provide all the services even at a minimum standard. The existence of local authorities will be useful in such a situation in order to find out how the local people would like the limited amount of money to be spent. It may very well happen that a particular area needs both a community centre and a library, but the central government cannot find the money for both. In that case the local authority of that area can be consulted in choosing which of them to build. Or the central government may make a grant of money to the local authority, allowing the latter to use it in the interest of the people in that area.

These, however, are only some of the arguments in favour of having local authorities. The best and most important reason is that local authorities provide a training in democratic citizenship. The ideal form of democratic government is where every citizen participates directly in the process of government. In an earlier chapter we noticed that this is impossible in the modern world. That is why representative democracy is practised. Even so, the larger the number of people who directly and actively participate in the process of government, the closer we will be to the ideal of democracy. The existence of local authorities increases the number of bodies which participate in government and therefore the number of people actively participating in governing themselves. By this means a larger number of people learn to exercise power for the benefit of the community, and the people learn at close quarters the rights and duties of citizenship. They can learn that failure to take their duties seriously

may make them lose their rights in practice. That is why local self government is so important to a democratic society.

We must not think, however, that it was on consideration of these democratic arguments that local government authorities were established in the past. In fact local government authorities developed in various countries for various reasons. Partly they were reasons of administrative convenience and partly reasons of history. To learn why local authorities grew up is one thing, to appreciate why they should be protected is another. From what was said above, we need only remember that local authorities should be developed and protected partly for reasons of efficient government but mainly for reasons of democracy.

**Local Authorities** Let us now take a look at the local government authorities in our country. In Ceylon there are four kinds of local authorities. Village Committees, Town Councils, Urban Councils, and Municipal Councils. You may wonder why there are four kinds of local authorities, remember that different areas can have different conditions and needs. This is why there are different kinds of authorities. In Ceylon, groups of people living in communities have been classified into four kinds, each kind being given a type of local authority best suited to itself. In village areas there are village Committees, in semi urban areas, there are town councils, in urban areas, urban councils, and in large urban areas, municipal councils. These local bodies have been given the power of looking after some of the affairs which concern these areas.

In the sphere of local government also the principle followed is that of representative democracy. This means that in each of these areas the people elect a body of representatives for a limited period of time and these representatives are given the power to look after local affairs on their behalf. As we noticed earlier, it is a fundamental principle of democracy not to elect a body of people to exercise power for all time. The people must always retain the power to choose a different set of representatives in case one set abuses their trust. In Ceylon then all the local bodies are elected for a period of three years, after which the people can exercise their right to choose the same persons or different ones.

Just as the whole country is divided into *constituencies* to elect the members of the House of Representatives so the village committee areas, town council areas, urban council areas and

municipal council areas are all divided into *wards* for electing their respective representatives. To take some examples, the Hewavissa Village Committee area is divided into twenty wards to elect twenty members to the Hewavissa Village Committee. The Rattota Town Council area is divided into six wards, the Batticaloa Urban Council area into ten wards, and the Galle Municipal Council area into fifteen wards. All local government areas are divided into wards for purposes of electing local representatives.

As in the case of elections to the House of Representatives, in which not every resident in the country is allowed to vote, so in the case of local government authorities also, a resident in a local government area is not allowed to vote in local elections unless he has certain qualifications. By an Act of Parliament passed in April 1953, the qualifications required of local electors for any local authority were made almost the same as those required of voters at parliamentary elections—subject, however, to two limitations. At present, therefore, a person will be qualified to vote at any election of a member of a local authority if his or her name has been entered in any parliamentary register for the time being in operation for any electoral district, and if that person was, on the date of commencement or revision of that parliamentary register, resident in any ward which is situated wholly or partly within that electoral district. There are, however, two limitations: (i) the person should not be a labourer, or a *kangani* in charge or labourers, on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of that person, nor the spouse nor a child of any such labourer or *kangani* living with such a person in such a building on any such plantation; (ii) the person should not be one to whom the provisions of section 5(1)(a) or section 5(2) (a) of the Village Communities Ordinance apply.

Qualifications for membership of local bodies are also similar to those for membership of the House of Representatives. A person should possess the following qualifications in order to be eligible to become a member of a local authority. He or she must be a citizen of Ceylon and must be over 21 years of age and able to read and write Sinhalese, Tamil or English. He or she must not be the holder of any office under the Crown, nor a member of the Local Government Service, nor a servant of the particular local authority in which membership is sought. He or she must not be the holder of a contract with the local authority concerned, nor an uncertificated or undischarged bankrupt,

nor of unsound mind, nor serving a sentence of imprisonment for an offence punishable with imprisonment for a term exceeding twelve months nor under sentence of death, nor serving imprisonment in lieu thereof. He or she should not be disqualified in such a way as to be incapable of being elected or appointed as an M.P. or a Senator, nor disqualified for reasons of corruption. In addition to these, if a person has been removed from the office of Chairman or member of a local authority that person shall be disqualified from being a member of a local authority for five years from the date of removal.

We now know, in broad outline, why we should have local government authorities, how they are chosen and by whom. We also know the qualifications for and disqualification against being a member of a local government authority. Let us now consider the powers these different local authorities possess and how they use them.

All the four kinds of local authorities do not possess the same degree of power. The village committees have the least and the municipal councils the most. This variation in the amount of power possessed is understandable if we remember that the life of an urban community is more complex and needs more regulation than that of a village, while the complexity decreases as the community becomes less and less urban. This is only one reason. The other is that, the more urbanized a community is, the greater its resources tend to be, and therefore it can make greater use of any powers that are given to it.

There is another important feature that we must remember about the powers of local authorities, and that is that they are limited. A local government authority has only as much power as is granted to it by the central government. The latter can from time to time reduce or increase this amount of power. At any time, local authorities possess only those powers which have been expressly granted by the central government, so a local authority cannot exercise any power not expressly granted to it. This limitation is again due to the fact that it is ultimately the central government which is responsible for the welfare of the whole country and of all the people. Local authorities have been given only those powers which, for reasons discussed earlier, it is thought necessary and proper to give them.

In considering the powers of local authorities in Ceylon we must remember that they are no more than a catalogue of activities which the local authorities can engage in for the welfare of the local communities. It does not follow that local authorities

in fact engage in all those activities, because what the local authorities do depends to a large extent on the resources they have. Even so, it is important to know what they can do.

Let us begin with the village committees. Village committees have been given the power to engage in a large number of activities. The central government has transferred to the control of village committees certain lands and natural resources which belong to the Crown. These the village committees can use for the welfare of the village people. Lands may be used to demonstrate to farmers the benefits of modern agriculture; they may be cultivated or used as grazing ground for the village livestock. A village committee can also provide services for the benefit of village people. It can provide a water service and electricity service, establish and maintain community centres, construct village wells and begin housing schemes. It can maintain the good health of the village by providing drainage, conservancy and other public sanitary conveniences. It can regulate the sanitary arrangements of the village by inspecting lodging houses, places where food is made or sold, and bathing and washing places. It can regulate the building of houses and insist on the use of safe materials and on the provision of adequate ventilation. It can supervise the orderly conduct of village life by doing such things as inspecting weights and measures and punishing people for disorderly conduct.

As we noticed earlier, it can do all these things only if its resources are adequate. When the central government granted various powers to village committees, it also permitted them to collect revenues in a variety of ways. Now, a village committee can obtain its revenue by imposing certain taxes. It can levy a land tax, i.e. it can take as tax a certain percentage (not exceeding 4%) of the assessed annual value of all buildings and all lands in built-up localities situated in the village area; or else it can levy an acreage tax not exceeding fifty cents a year on every acre of cultivated land (excluding paddy and *chena* cultivation). It can levy tolls at village ferries, fees from the licensing of vehicles, and taxes on animals. Small funds may come to village committees from fines levied by Rural Courts. It can earn some revenue by the lease of land vested in itself, or from the profits of any public utility service like electricity or water supply which it may operate. Lastly, it can obtain funds as grants from the central government.

It may appear from this list that village committees have large revenues, but in fact they do not. After all, the village

committees' revenue, apart from government grants, depends largely on the value of village land, on the number of vehicles and animals and on profits from utility services. Village land is not valued highly. Villages have few vehicles and few animals. Since villagers are generally poor most of them cannot pay for services like electricity. A village committee cannot earn profits if only a few people want to buy electricity or water services. Generally, therefore, village committees receive small revenues. Out of 401 village committees in 1953, only eleven received an annual income of over Rs 100,000 and only about one-tenth of the total had incomes of over Rs 50,000. About one-third of the total received less than Rs 10,000 while one village committee had an income as low as Rs 284 in 1953. Since revenues are low, village committees in fact perform only limited services. Most of them, but not all, provide conservancy and scavenging services in built up areas, almost all have community centres, and a fair number, especially in the Western Province, maintain maternity and child welfare centres. A few have started housing and electricity schemes. Almost all have constructed village wells, some have undertaken slum clearance, built playgrounds and alleviated flood distress, some have constructed markets and bus stands. Very few village committees however, have done all of these things.

What little they have done is largely due to central government grants, for very few village committees have the resources to undertake any big scheme on their own without financial assistance from the central government. In fact, therefore, while the village committees have the power to do a lot for the village community, the exercise of that power is limited by the meagreness of their resources.

Town councils have been established to look after the local affairs of semi-urban communities. In 1953 there were 38 town councils in the whole island. The powers given to town councils are those which are considered necessary for a semi-urban community. Their general duties are to maintain and cleanse all thoroughfares and open spaces within the town area, to enforce and maintain the cleanliness of private roads, to prevent all nuisances, to look after the sanitation of the town and to provide utility services. Town councils have considerable powers over the construction, maintenance, cleansing, watering, lighting and draining of roads within the town. They also have the power to keep the town clean by providing for drainage, inspection of wells and the removal of rubbish by preventing

ditches and pools from polluting the health of the town and by providing scavenging and conservancy services. They can look after the health of the town by supervising the sale and manufacture of food, inspecting lodging houses, preventing the spread of disease, cleansing and supervising bath places and washing places, and regulating markets. They can provide utility services like water and electricity, and begin housing schemes. They can regulate weights and measures, advertisements, and the farming and slaughtering of livestock. Briefly, they have power over land vested in them, over roads, buildings, public health, sanitation, animals, markets and public utility works.

Just as in the case of the village committees, in town councils also what is important to note is the sources and extent of their revenue. Town councils have practically the same sources of revenue as village committees, with the important difference that whereas the village committees can levy a rate of not more than 4%, town councils can levy up to 9%.\* This alone is a big increase, but apart from that, as an area becomes more and more urbanized, the value of property within it rises. A rise in value and an increase in the rate can increase the revenue in two directions. From other sources also, because of urbanization, there is a tendency to obtain a higher revenue. And in fact, on the average, town councils have larger incomes than village committees, although a particular village committee may have a larger income than a particular town council. About half of the town councils in 1953 received over Rs 50,000 each as revenue, while all except one had an income of over Rs 25,000 in that year.

However small this amount may be, town councils can do a little more for the benefit of their areas (which are much smaller than village committee areas) than village committees. Most of them maintain scavenging, conservancy and drainage services. Maternity and child welfare centres are found in most, and housing schemes have been started in many. Electricity development, public road construction, and the establishment of public libraries, markets and playgrounds is going on rapidly. Of course, most of these things are done with the help of grants and loans from the central government, but it is still a record worthy of some satisfaction.

While town councils are established in semi-urban areas, urban councils look after fully urban areas. There were 36

\* Town councils cannot levy the acreage tax, however.



urban councils in the whole country in 1953. The general duties of urban councils are to maintain and cleanse all public roads, to enforce the maintenance and repair of private roads, to supervise and provide for the growth and development of the town by the planning and widening of roads, to preserve open spaces, to provide public improvements, to prevent all nuisances, to establish public utility services, and generally to promote the public health, welfare, convenience, development, sanitation and amenities of the town. In effect, therefore, urban councils have the same powers as town councils, but urban councils have in addition the power to control tramways, public vehicular communication and certain rest houses.

Although their powers are almost the same, the duties of urban councils are more extensive because urban councils have larger populations. Most town councils have a population of less than 10,000, but more than half the urban councils have larger numbers. Some urban councils have a population of over 50,000, for instance Dehiwela-Mount Lavinia, Kotte and Moratuwa. Of course, some urban councils have small populations, e.g. Wattegama and Kadugannawa (less than 2,000). Even so, urban councils are generally more populous than town councils although their areas may be no larger than those of town councils. This means that the population is rather more concentrated in fully urban than in semi-urban areas. Life is a little more complex and a little more varied.

To perform their duties urban councils draw on sources similar to those of town councils, except that there is no upper limit to the property rate, but because urban councils operate in richer and generally more populous areas, they earn larger revenues than town councils. Most urban council areas have more, bigger and better buildings, their land and property are thus of greater value. They have more industries. They have more well-to-do residents who possess more and expensive vehicles. These residents are willing to purchase more from public utility services like water and electricity. Generally, therefore, urban councils earn higher revenues than town councils. Thus almost all urban councils obtained a revenue of over Rs 100,000 in 1953, nearly one-third of them obtained over Rs 500,000, and one had a revenue of over Rs 1,500,000.

Being richer urban councils can perform greater services for their residents. All of them provide scavenging and conveyance services, all of them provide electricity, they have started housing schemes, they run public libraries, they maintain rest

houses and free sanitation services; they provide drainage, markets, bus stands, and such other services; they control infectious diseases; in short, they actually perform a considerable service to their communities. Here again we must remember that loans and grants from the central government play an important part.

Municipal councils are established over the larger urban areas in the country. At present there are seven municipal councils, namely Colombo, Kandy, Jaffna, Galle, Kurunegala, Nuwara Eliya and Negombo. Colombo is the leading municipal council since it is the largest and wealthiest of them all. Municipal councils have powers similar to those of urban councils, and so they engage in the same sort of activities for the welfare of the people living in their areas. They have in general to keep the cities clean, maintain the roads in a state of efficiency suitable for public convenience, maintain the general health of the people and provide basic sanitary services and the public utility services necessary for a highly urbanized community. Although municipal councils undertake the same sort of activities as urban councils, the scope of these activities is naturally greater in their case. Because municipalities are highly urbanized areas, certain problems become very urgent. Health and sanitation, for instance, are very important because in a congested city infectious diseases can spread extremely fast. Control of building is important, lest the city becomes a maze of undesirable slums. Roads are important for the commercial and industrial life of the city. Provision of utility services will be demanded by city dwellers because city life would be unbearable without them.

The problems of a city are more urgent because it is congested and populous. By the same fact, a city is bound to be richer than most less urban areas. In the number of people, buildings, vehicles and animals, in the amount of economic activity and in the value of its property, a municipal council is richer than most urban councils. Although the sources of municipal revenue are almost the same as those of urban councils, the extent is much more—the richer the municipal council area, the greater being the revenue.

If we consider the case of the Colombo Municipal Council, we will be able to see what a large municipal council does. In 1946, the population of the Municipality of Colombo was 362,074. Now it is much more. In the year 1952, the total revenue was Rs 26,071,577/02 including grants of Rs 7,008,449/99 from the central government. This large income was obtained from

rates, licences, taxes, rents, duties, fines and the profits from the providing of public utility services

In keeping with its largeness and wealth, the Colombo Municipality performs a large number of functions. Three factors combine to enable this: the power, the money and the urgent need to perform them. There is an impressive list of its activities. For the maintenance of health, it provides free dispensaries (in 1951 they treated 217,463 patients) and maternity and child-welfare centres; it conducts campaigns against communicable diseases, provides an ambulance service and carries out food inspection. It provides a water service (6,141,810,000 gallons were supplied in 1951); it cleans, drains and maintains roads, and runs a tramways and a trolley-bus service; it maintains parks and playgrounds, it provides drainage, fire-protection services and public assistance, it helps education by adult education campaigns and the provision of a library. All these services cost money, and, for the year 1951-2, the municipality spent Rs 22,815,723 to provide them.

**Central Control.** Now that we know the main functions performed by the various types of local authority in Ceylon, let us recall to our minds, once again, the main purposes of local self-government. Firstly, local self-government is a training in democracy; secondly, it is an opportunity for local people to look after their local affairs, which they alone can do best. But it is not wise to divide local government and central government into two water-tight compartments. After all, in a democratic society, all government—whether central or local—ought to be for the welfare of the people. In fact, the central government and local government authorities should act in cooperation for this purpose. They should be partners in the task of bringing the good life to every citizen.

The central government must at all times be the senior partner, for it is the representative of the whole nation. The central government should decide what is to be done for the welfare of the people, and it is in the light of those decisions that local authorities should be asked to look after local affairs. That is the main reason why local authorities are allowed to exercise only those powers which are granted to them.

The central government may decide that a particular service can best be carried out by a local authority, that is, that the local authority can carry out that service better than the central government. For instance, the central government may if it

that local authorities should provide drainage for their areas, because they alone will know best which parts need it and which parts do not. The central government's decision to let local authorities perform this service should be made with the intention of providing the best possible service. Yet the central government will be failing in its duty if it does not make sure that all local authorities which ought to provide that service in fact do so. In other words, if the central government thinks that certain services should be provided throughout the country, but that they can best be provided by local authorities, then it should give local authorities the power to provide the service and see to it that they do not fail in their duty.

The central government, then, should retain some control over local authorities in order to see that they perform their most essential duties. This is the main reason, though not the only one, for some element of central control. Sometimes it may happen that a local body is not willing to perform certain essential services because, being 'penny wise and pound foolish', it does not want to tax the residents of its area more. In such a situation the central government may have to take steps to see that those services are carried out. The central government is also always richer and more experienced and has greater knowledge and resources at its disposal, and if it retains some control over local authorities it can give them the benefit of these advantages. Even so, the central government should be very careful in the way it controls local authorities. Its control must be effective if it is to perform its function well, yet at the same time that control should not be too strong or too rigid or too strict, lest it destroy the main purpose of local government, which is a training in democracy. If local people think that local bodies have no real power, able men will not come forward to work for them. The more central control there is the less power will local authorities have, but there should be some central control to prevent unscrupulous individuals getting elected to these bodies for private gain rather than public service. Although the central government should exercise its control with care, it must have some control in order to prevent abuse of the powers granted to local authorities.

The central government can exercise its control in a variety of ways. It can do so by the way in which it grants power. The more 'obligatory' functions it provides for, the greater the control it has over the local authorities. It is the central government alone which can increase or decrease the powers of

local authorities and the means of obtaining their revenue. It may retain some power to supervise the way local authorities exercise the powers granted to them by requiring central government sanction for all bye-laws passed by them. It may encourage them to provide services by making them grants or permitting them to obtain loans. In this way it may closely watch how these grants and loans are spent and to what use they are put. It may retain control of all expenditure beyond certain fixed sums by requiring its permission before such sums are spent. It may in the last resort retain the power to suspend or dissolve the councils, remove their chairmen or mayors, and take over their duties and get them performed by central government officers. In Ceylon, the central government retains control by all the above mentioned methods. Central government supervision is continuously carried out, largely by the Department of Local Government, although other government departments such as Health and the Auditor-General's Department also supervise the work carried out by local authorities.

We noticed earlier that there are four types of local authorities. We also noticed that the functions and responsibilities of the more urban authorities are greater than those of the less urban. The former also have greater resources than the latter. We observed that village committees and town councils and some urban councils perform certain services only with the aid of central government grants. If the central government grants money to local authorities, it retains some control over the way it is spent. For this reason those authorities which depend to a great extent of central government grants are subject to greater central control. This is not the only reason. The central government retains a greater control over the lower grades of the local government system because they need its advice more than the richer and larger local authorities. Urban communities are also thought to be politically more alert than their rural counterparts. For these reasons central control tends to increase as we pass from municipalities to urban councils, town councils and village committees. Even so we must remember that every local authority is controlled by the central government in some measure.

**Local Authorities at Work** So far we have learnt about the powers granted to local government authorities, their resources and what they do. We have also learnt that the work of these

authorities is carried out by persons elected to them. Let us look a little more closely into the way these councils carry out their duties. We know that these bodies—village committees, town councils, urban councils and municipal councils—are elected for three years by the local electors. They have to carry out their duties to the satisfaction of the people if they wish to be re-elected. Each council or committee therefore has to follow an orderly system in carrying out these duties, because without order nothing can be done properly. There are two things that are necessary for this. For one thing, there must be an orderly way in which the committee or council can discuss its affairs and come to decisions. In other words, each body needs a set of rules for this purpose and a person to preside over the meetings and to see that these rules are followed. The rules are called *standing orders*, and the local body is obliged to elect a person from among its members to preside over its work. The persons elected to preside over village committees, town councils and urban councils are called Chairmen and those elected to preside over municipal councils are called Mayors. Each of these bodies also elects a Vice-Chairman or Deputy Mayor, as the case may be, to act for the Chairman or Mayor if the latter is incapacitated, and in general to assist him in the work of the council.

In addition to finding persons to preside over these bodies, they must also choose persons to carry out the decisions which they have come to. The Chairmen and Mayors are given this task also, for they have been made the chief executive officers of these bodies. A Chairman or a Mayor therefore presides over the meetings, operates the standing orders, and carries out the decisions of the council.

It is the council or committee which must ultimately come to decisions. If, however, the work done by a local authority is very great, then it may be necessary to delegate some work to smaller committees (called *standing committees* or *special committees*), while retaining the ultimate control in the whole local body. Since village committees perform only limited functions, it has been found unnecessary to provide for such smaller committees in their case, but town councils and urban councils have been given the option of appointing such smaller committees if they so desire. In the case of municipal councils, however, it is provided by law that they should have three standing committees, besides as many special committees as they may need. It is provided that one of the standing committees

shall be the Finance Committee, and a municipal council is not allowed to decide finally on any financial matter before it has been considered by the Finance Committee. The reason for this is not far to seek. Since municipal councils obtain and spend large amounts of money, it is only right that a small standing committee should coordinate all financial matters to avoid waste.

**Local Government Service.** The various local government authorities, however, cannot carry out their decisions by themselves. As in the case of the central government, they need a number of officials to do this work. As in the case of the central government again, several kinds of officials are required for local authorities, for instance, minor employees like peons and orderlies, daily paid employees like casual labourers, officers for clerical work, and officers for more responsible work and technical duties. Before 1946 all these local government servants were appointed by the local authorities themselves. Since 1946, however, the situation has been different. Local authorities still choose their minor and daily paid employees. For the rest, a Commission has been set up to appoint officers for the clerical and more responsible work of local bodies. This Commission is called the Local Government Service Commission. It consists of nine persons: the Commissioner of Local Government (*ex officio* Chairman of the Commission), four representatives nominated by the Minister of Local Government at his discretion, and four persons representing (i) the Colombo Municipal Council, (ii) other municipal councils, (iii) urban and town councils and (iv) village committees. The Commission has the power to recruit all officers other than minor and daily paid employees, to fix their scales of pay, to decide on their conditions of service, to control promotions and transfers, and to be in charge of disciplinary matters regarding these officers. The Commission may also start training schemes to help the officers already appointed.

Such an important function as this has naturally to be performed in consultation with the local authorities, and so the Commission acts in consultation with them. The Commission, for instance, would not immediately fill a vacancy for a post in a local body without consulting that body. Local authorities have been given the power to recommend names to the Commission when vacancies occur in middle grade posts. They are given the power to transfer officers to posts within the local body.

so long as this does not affect the officers adversely. They have been given certain powers of a disciplinary nature over their officers, although only the Commission can dismiss an officer or levy a fine exceeding a week's pay, or stop, defer or reduce an increment for a period of more than one year.

In short, the Local Government Service Commission exercises greater authority in the administration of local government servants than the local bodies themselves. This has many advantages. It reduces bribery and corruption in appointments and promotions. It enables the Commission to maintain minimum educational standards in recruiting officers, and it makes the service a more efficient one. The officers recruited will be more efficient because better men will be attracted by a more secure service. Since the local government service is unified, transfers are possible, and an able officer may expect quicker promotion; able men may thus be attracted to the service. Since the Commission is expected to be impartial, local government officers can hope to perform their duties honestly, impartially and without fear of political interference. If an independent, honest, efficient and politically neutral public service is necessary for the central government, it is equally important for the local government authorities as well.

In the last resort, however, local self-government depends on the elected representatives who run these local bodies and on the local electors who elect them. Men and women of integrity, with a willingness to serve the public, must be elected to local bodies. In any kind of society dishonest individuals may attempt to get themselves elected for private gain. Only if the electors are alert enough to distinguish between the honest and the dishonest, and have the courage to reject the dishonest and the keenness to see that those who resort to bribery and corruption are those who do not have the public interest at heart, only then will local government thrive. In our country we do not yet possess such electors in sufficient numbers. It is our duty as democratic citizens to persuade our fellow citizens of the value of courage and alertness in a democratic society; but this alone will not do. Part of the weakness of local government in Ceylon comes from the inadequate resources at the command of local authorities. Until local bodies have enough funds to provide services for the good life of their residents, even honest men elected by citizens may fail to make local self-government purposeful. And if local self-government fails, democracy is in danger.



## CHAPTER XI

### JUSTICE ACCORDING TO LAW

We have already learnt in the previous chapters how laws are passed and administered by the Central Government and how local government authorities exercise the powers granted to them. In both cases the citizens elect the persons who are charged with those powers. In both cases laws or bye laws, as the case may be, are passed according to majority decisions. From this we must not conclude that every law is one which has only the support of a majority of members of Parliament and therefore of only a majority of the people. On the contrary, there are many laws which every normal citizen willingly obeys, but there are other laws which certain groups of individuals may not like.

In a democratic society, the power to control the government is in the hands of the people, so that those groups of people who are not satisfied with some of the existing laws may persuade a majority of the people to elect a government that will change them. At any moment in any country there will be a set of laws, some of which the whole citizen body approves, and all of which the government in power wishes to maintain. So long as that government is democratically elected it can claim the allegiance of all the people in the country in the maintenance of the laws, on the understanding that if the majority of the people dislike some of the laws they can elect a government which will change them. In any case, however, a government is bound either to maintain the existing laws or to change them on its own.

The laws that are found at any given time in a country are largely a statement of the rights and duties of all the people, that is, a statement of the rights and duties of the government as well as of the governed. We learnt earlier that in a democratic society every person should have a minimum of certain personal, political and economic rights. Apart from these basic rights individuals may differ in their respective rights according to the functions they perform. For instance, a sanitary inspector has the right to inspect the way we get rid of our rubbish, but our neighbour does not have that right unless he is the sanitary inspector. In this way each person may have different rights from another, but in a democratic society this is permissible only if everyone has the basic rights of personal, political and economic freedom.

The laws of a country state in a recognizable way the rights which every person enjoys, as well as the rights which certain individual persons enjoy in a different measure. If a law is broken by anyone at any time, then someone else's rights may be affected. If we refuse to give the facts about our income to the Income Tax Department, the right of that department to find out our income will be reduced. When a law is broken, either an individual, a group of individuals or the government will be affected adversely. Even if one individual only is affected directly, the government cannot ignore it, because it is the function of the government to defend the rights of everyone. Laws therefore, in addition to stating the rights and duties of people, also mention the punishment to be meted out to those who break them. You will agree that the punishment ought to vary according to the nature of the law that is disobeyed. The punishment for murder is death; but surely no one should be sentenced to death for disobeying a traffic signal !

**The Judiciary.** From what we have noticed already two things emerge. Firstly, a person should be punished according to the nature of the law that he breaks, and secondly, a person should be punished only if he breaks a law. Both these are equally important things, for without them there will be no justice. It is not justice to punish a person on the suspicion of his having broken a law. It must be proved that the person alleged to have done so is really the guilty party. In any society there must be a body of persons whose function is to find out whether a person alleged to have broken a law has really done so. This body of persons is called the Judiciary.

We noticed earlier that if a person breaks a law it will affect some other person or the government, or both. In other words, if a law is broken, there will always be an injured party. Now the injured party, whether a private person or the government, can request the Judiciary to decide on the justice of the case. The function of the Judiciary, then, is to hear and determine a controversy and to make a binding decision which both parties should obey.

In matters of this nature, when there is a controversy, it is very necessary that the decision should be impartial. If the Judiciary is partial there will be no justice, for the essential quality of justice is its impartiality. It is not necessary to emphasize this. People will be willing to abide by the decisions of the Judiciary only if they feel that they are impartial.

If people did not settle their disputes by asking a common body of person to decide them, but took the law into their own hands, there would be nothing but chaos and the law of the jungle. Impartial justice is necessary, then, not only because it is the right thing but also because without it a civilized existence would be impossible.

Impartiality of justice can be achieved only if certain conditions are satisfied. In the first place, those persons who are asked to settle disputes—that is, the judges—must be independent. They should be independent firstly of the government, and must be able to settle disputes without fear of the government. This can be secured if their tenure of service, their salary or their promotions do not depend on the favour of the government. If a judge could be dismissed, or his salary reduced or his promotion denied if and when the government so desired, judges would be tempted to decide in a manner that would please the government. Since the government itself may sometimes be party to a dispute, judges should be in a position to settle disputes according to law, even if a decision goes against the government. In many other countries, as well as in Ceylon, an attempt has been made to secure the independence of judges. Judges have security of tenure, since their services cannot be discontinued except for grave misdemeanour. Once they are appointed their salaries cannot be reduced during their period of service. The appointment, promotion, transfer, disciplinary control and dismissal of judicial officers other than Judges of the Supreme Court and Commissioners of Assize are in the hands of a Judicial Service Commission which is free from political interference. The Supreme Court Judges and Commissioners of Assize are appointed by the Governor-General and hold office during 'good behaviour'.

Judges should also be free from popular interference. They must not be prevented from carrying out their duties because the people are prejudiced against a person or a group of persons. In several countries where judges are elected for a fixed number of years, it has often been found that they tend to follow popular feeling rather than the dictates of law. If judges depend on election for their posts they will naturally listen to popular prejudice, however unreasonable it may be. This is why in most countries judges are appointed on the recommendation of an impartial body rather than elected as members of Parliament are.

If judges are independent both of the government and of

popular pressure, their decisions will be accepted by all the people for a very good reason. Everyone will know that judges have nothing to lose by doing right and nothing to gain by doing wrong. For the proper administration of justice not only must judges be impartial, but also the people should think that the judges are impartial.

To make it easier for judges to be impartial, they should also be made immune from legal action against them for anything they say or do in performing their duties. If a judge could be sued for anything he said or did in carrying out his duties, he would in most cases have to be thinking of avoiding an action against himself rather than devoting his entire time to considering how the law should be implemented. Not only should the judge be immune from legal action but also from unnecessary parliamentary and press criticism. In Ceylon all these immunities are secured for judges. They are immune from legal action for anything said or done in performing their duties. They cannot be criticised in Parliament in its ordinary discussions but only by means of a motion criticizing an individual judge by name. By common consent, the press avoids discussing judges individually.

All these immunities are secured for judges so that they may perform their duties impartially and without fear. For the same reason, it is not permitted for a judge to settle a dispute with which he has a close connexion. A judge must not have any personal interest in a matter coming before him. In other words, a person who is interested in the result of a dispute should not be the person to settle it, for if that happened there would be no justice.

For the better securing of justice, judges are expected to follow certain principles in coming to their decisions. They should try to be consistent in their decisions; in similar situations of law, in similar circumstances, decisions should be similar. This is the reason why judges try to follow past decisions in similar situations. This is what is called the respect for precedent.

Justice can never be impartial unless judges treat all parties to a controversy equally. Rank, fame or fortune should not call for special treatment by the judge. Whether a person be rich or poor, of one caste or another, of one religion or another or none, and whether he support one party or another, the judge should treat him on an equal footing with any other person. This is one of the most valuable provisions in a democratic society.

Judges are also expected to decide on matters according to the law of the land. Judges can protect only those rights which are protected in law. No one can be punished for doing something which is not prohibited by law, nor for not doing anything which is not compelled by law. This certainty is very necessary for a civilized society.

Judges should not merely come to a decision, they should also explain why they come to a particular decision. In other words, they must give reasons for their decisions. Since a judge has to give reasons for his decision, he is compelled to be fair in his judgement.

**The Rights of the Subject** The independence of the judge, his integrity and the set of principles he is expected to follow can secure a fair measure of justice. Yet justice is not complete until certain rights are available to the people. In this respect both in Britain and in Ceylon certain rights are available. All persons are considered innocent until they are proved guilty. This is a very important democratic principle. It is the duty of those accusing a person of breaking a law to prove the guilt of the accused person. This means that no person can be punished until his guilt is proved by those accusing him, whether he be a private person or the State. Secondly, no person can be imprisoned unless a charge is preferred. This means that any accused person should be brought before a judge within a short time of his arrest. A judge may, of course, for reasons of public security and justice, order that an accused person be kept in remand. The important point, however, is that no person can be imprisoned except by order of the judges. If a person is held or imprisoned without being charged before a judge the injured party or someone on his behalf can apply for a Writ of Habeas Corpus. Normally a Writ of Habeas Corpus is granted *as of right*. This means that if an application is made to the proper authority (in Ceylon the Supreme Court) and if the latter is satisfied that there is a *prima facie* case, it will be granted. A Writ of Habeas Corpus is a document by which the proper authority requests the person alleged to be held or another person unlawfully to produce the person so held. It is the citizen has the right of freedom from unlawful imprisonment.

Thirdly, an accused person has the right to expect that in serious cases, his guilt or innocence shall be established by his 'peers' or equals. This is why the jury system operates in our country. In Ceylon if a person is accused of a serious

crime and the case is being tried in an Assize Court (what this is will be explained later on in this chapter), the guilt or innocence of the accused person must be established by a jury of seven persons. The procedure is as follows. When a person is accused and the case is brought up for trial, seven persons, to whom the accused does not object for valid reasons, are asked to serve as a jury. The jury listens to the whole case as well as to the summary of the case as given by the judge. The seven persons in the jury are then asked to decide whether the accused person is guilty beyond reasonable doubt or not. The judge will punish or not according to the decision of the jury.

There are several other rights as well. Both parties to a dispute have the right to be heard. When a case comes up before a judge, therefore, he should fix a time and place for the trial at a convenient place and at a reasonable hour. Litigants should have a right to see each other and to confront the judge. Both sides of the case must be heard, and each party has a right to hear what is stated by the other. Proceedings before a judge must be public; it is generally considered that the openness of the proceedings leads to justice being better served, for the way the judge comes to a decision is thus known to the people and this may prevent the judge from coming to his decision in an unorthodox manner. The hearing of the case should also be according to a known procedure and the decision be according to the evidence brought forward. Every statement, before it is established as a fact, should be proved by evidence given in open court in the presence of both parties. These rights are secured to the individual so that there may not be a miscarriage of justice.

**The' Courts.** We have so far considered the need for a body of persons with the responsibility of administering justice, and some of the rights which the people ought to have if there is to be proper justice. That body of persons called the judiciary or judges who are appointed to administer the law can do so only if there is some sort of order or method by which it is to be done. The judicial function, like many others, cannot be done without organization. The first problem in judicial organization is to establish courts of law where justice can be administered. In Ceylon there are a large number of courts established for this purpose. These are called by different names to indicate either the nature of the work they do or the places where the work is done.

There are, for instance, Rural Courts in charge of certain kinds of judicial work in certain areas, there are Courts of Requests, Magistrate's Courts, District Courts, the Supreme Court, the Court of Criminal Appeal and the Privy Council. There are also special courts called the *Kathi* Courts.

You may wonder why there should be different types of courts instead of one type throughout the country. The reason is that disputes are of various kinds—some grave, some minor, some local or private and others public and of national importance. To have the same type of court for different classes of disputes is certainly uneconomic, and invariably causes delay. This is why there are different types of courts. When we study the jurisdiction of the different types of courts we will see the reason even more clearly.

Each of these different types of courts is given a certain jurisdiction. You will perhaps have noticed that not every person who is alleged to have broken a law is alleged to have committed a crime. Only those who violate public rights commit crimes, for a crime is a violation of the public rights due to the whole people considered as a people. Murder is treated as a crime because modern society considers that no private person should take another's life. There is no fixed rule which says that certain rights are public and others private, it is only the laws of a country that make them so. If the laws state that certain rights are public rights common to all, then a violation of those rights is a crime. In such a case the government is also directly involved. The government, representing the people, appears as the injured party if public rights are violated. This is why, when a person is killed by another, the Crown (the symbol of the State) prosecutes the alleged killer. All disputes which do not affect public rights are civil disputes. Here, while the government has a duty to provide the machinery by which they may be peacefully solved, it is not directly involved. The government can only take sides to defend public rights.

Now let us consider the various courts of law in Ceylon and their civil and criminal jurisdiction. Let us begin with Rural Courts. Rural Courts can be established in any area, but generally they are established to consider cases in one or more Revenue Divisions. In a Rural Court, the judge is called the President. Rural Courts do not have the power to settle every kind of dispute, and even in the kinds of dispute which may be determined by these courts there are certain limitations. For instance, if a matter in dispute in a civil case is less than

Rs 100 in value, and if it is in the area over which the Rural Court exercises jurisdiction, then this court has the power to determine the case; but if the matter is more than Rs 100 in value, the case must go to a higher court. In criminal matters, Rural Courts determine all cases connected with breaches of the bye-laws of village committees, and such other offences as may be placed under their jurisdiction from time to time.

The procedure in Rural Courts is simple. No advocates or proctors are allowed to plead for either party to a dispute. The President generally attempts to bring about an amicable settlement. The penalties which these courts can impose are limited. They may imprison the guilty party for a period of between seven and fourteen days or impose a fine not exceeding Rs 50. You will see from this that these courts are established in rural areas to enable people to settle minor disputes quickly and cheaply. Since the disputes are minor, the penalties are small.

Magistrate's Courts can try all cases of minor offences committed within the areas over which they have jurisdiction. Minor offences are those where the punishment involved is either a fine of not more than Rs 200 or a term of imprisonment not exceeding twelve months (or whipping if the guilty party is under 16 years of age). These courts perform two functions. They summarily try petty offences and after inquiring into grave crimes commit them for trial by the District Courts or the Supreme Court.

Cases of under Rs 300 in value are tried in the Courts of Requests, where the procedure is more informal. They have a great deal of work, such as settling disputes regarding petty debts and disputes between landlords and tenants. Here too an attempt is generally made to bring about a peaceful settlement.

District Courts can try all cases not exclusively reserved for the Supreme Court. Where the defendant in a dispute is resident within the district, or where the land in dispute is situated in the district, or where the cause of action arose within its jurisdiction, the District Court has jurisdiction without any upper limit to the amount of money involved. It also has jurisdiction over all criminal offences committed in the district. These courts can, however, try only those cases that are referred to them for trial by a Magistrate's Court or cases which have been transferred to them from some other court by order of the Supreme Court. District Courts, however, do not try the very grave crimes; the punishments they can impose show the relative importance



of their jurisdiction. They can impose an imprisonment not exceeding two years, a fine not exceeding Rs 1000, whipping, or any sentence which combines any two of the above.

The Supreme Court has jurisdiction over the whole island. In civil cases it acts as an appellate court, that is a court where appeals may be made from the decisions of the District Courts and in certain cases from Courts of Requests. Very rarely does the Supreme Court try civil cases originally. In criminal cases, it has both appellate and original jurisdiction. It exercises original jurisdiction over grave crimes like murder. For this purpose the island is divided into five circuits, namely the Western, Midland, Northern, Southern and Eastern. Each circuit is presided over by a Judge of the Supreme Court and the decision is arrived at by a jury. It exercises criminal appellate jurisdiction from the decisions of District Courts and Magistrate's Courts. It has also the power to issue writs to control or correct lower courts or to compel the performance of duties by executive officers. It also grants the Writ of Habeas Corpus, which is, as we have seen, a very important safeguard of the freedom of the citizen.

There is one important feature in the court system in Ceylon that we have not so far considered, and that is the right of appeal. In both civil and criminal cases, in most instances, an appeal can be made to a higher court. This provision permits a mistake committed by one court to be rectified by another. Yet although the Supreme Court has appellate jurisdiction over lower courts, it is also the court which has original jurisdiction over grave crimes. There are two courts which have appellate jurisdiction even over the Supreme Court. The first is the Court of Criminal Appeal. The Court of Criminal Appeal consists of the Chief Justice and the Puisne Judges. Generally three judges sit together to hear appeals. Appeals are allowed on a point of law, or with the consent of the trial judge, or on a question of fact if the court consents.

Even beyond the Court of Criminal Appeal, an appeal can be taken to the Judicial Committee of the Privy Council. This Committee is a body of judges appointed by the Queen from among the best legal minds in the Commonwealth. It does not hear appeals in criminal cases, except in cases where there is a possibility of grave error. In civil cases it generally hears any appeal sent up to it provided the amount involved is not less than Rs 5000, or if the matter is of grave public importance.

Our survey of the court system is not complete, however, until

mention is made of the Justices of the Peace and the *Kathi* Courts. The Governor-General and other high officers are *ex officio* Justices of the Peace for the whole island. Justices of the Peace are appointed also for different regions of the country. Their function is largely to administer oaths required by law. *Kathi* Courts are courts with certain jurisdiction in regard to Muslim marriages and divorce. Appeals are available even from the decision of a *Kathi* Court to the Board of *Kathis* and thence to the Supreme Court.

**The Law Officers.** A government cannot be said to have done its duty fully merely by providing a court system for the administration of justice. While the judges attempt to decide cases as impartially as possible, the government should provide them with the opportunity of doing so. Provision of buildings, staff and equipment; the revision of law to make justice speedy and cheap; providing for law officers to defend public rights: these are general duties which the government must perform. In Ceylon, the Ministry of Justice is in charge of this. Of all these functions special mention should be made of those of the Law Officers of the Crown. The chief Law Officer is the Attorney-General. He is on the one hand a kind of public prosecutor, i.e. a person who prosecutes those who violate public rights; on the other he is the legal adviser to the government on questions such as whether a person could be prosecuted on the strength of the information available. He also acts as the defender of the Crown in all proceedings where the government is being sued.

The Law Officers have a great number of functions to perform. They advise every government department in matters arising out of the discharge of the functions of those departments. This is a growing burden of work. As the government performs more and more functions, the Law Officers are asked to advise on the increasing number of matters arising from them.

After all that has been said above, we must not assume that all is well with our system of justice. While our judges are commendably impartial, the poverty of some citizens prevents them from employing the best lawyers and in some cases even good lawyers. A good case of a poor citizen may be lost because of bad advocacy. The government has attempted to meet the injustice of this situation by providing a free legal service and counsel to poor persons accused of serious crimes. Even so, the disparity between the rich and poor has not been reduced

to any great extent. Justice is still in many cases given only after long delay which is hard for the injured party. The comfort of judges and the public in the matter of buildings is still not adequately provided for. Many improvements are thus necessary to make our system of justice better than it is. That is a task which we as citizens must work together to achieve.

## GOVERNMENT BY CONSENT: THE BRITISH CONSTITUTION

WHEN we discussed previously the way that our country is governed, it was very clear that our government is based on parliamentary institutions. We must not think, however, that these institutions were an inheritance from our own past. Our ancestors gave us a civilization to be proud of, but parliamentary institutions were not a part of it. In fact we owe these institutions to Great Britain and to our association with her for over 150 years.

Throughout that long association, whenever the people of Ceylon showed dissatisfaction with the colonial government, the British rulers went back to their own institutions to solve the crises. The stages by which self-government was reached—'association', 'representation', 'responsible government', 'Dominion Status'—were all political institutions which we received from British rulers. This is not to suggest that the ideas of election and government in the interest of the people were unknown to Eastern peoples. What is meant here is simply that the particular form known as parliamentary government, by which a government may be made responsible to the wishes of the people, was one which we have borrowed from Great Britain.

Many people in our country believe that the British have evolved a system of government which is eminently suited to a democratic society. There are, of course, others who do not, but so long as a majority of our people think that parliamentary institutions as developed in Great Britain are good for us also, we should try to nurse those same institutions in our country. In fact many people in our country, consciously or unconsciously, regard the British system of government as the standard of excellence by relation to which we can judge our own.

**The People.** This, of course, is a tendency we should expect. Yet we should beware of trying to understand British political institutions without considering the background from which they have evolved. In a short chapter such as this, it is an impossible task to attempt to give an adequate picture of that background. Even so, an idea of the people, their social and economic life, their past and their reverence for tradition, and the ideas

they have evolved, are the necessary background without which we may easily be misled.

The people of Great Britain numbered about 50,000,000 in 1950 and were spread over an area (excluding Northern Ireland) of about 89,000 square miles. A population about six times as large as ours thus lives in an area a little less than four times the size of Ceylon. The British people, like the Ceylonese, do not come from a common racial stock. Celts, Angles, Saxons, Jutes, Danes and Normans have gone to form the British people, in addition to recent admixtures from throughout the world. Like Ceylon, Britain was subject in the past to periodic invasions, the last of which, in A.D. 1066, was made by the Normans. In contrast to what happened in Ceylon, the invaders and the invaded joined together to form a fairly homogeneous people. In spite of this, there are even now groups of people in Scotland and Wales who for communal or nationalist reasons demand some form of regional autonomy; but such demands have not so far been supported by any significantly large groups. The existence of Welsh and Scottish 'nationalism', therefore, should not lead us to think that Britain is a country torn by communal strife.

The British are predominantly an industrial people. You may have read of the great industrial development that took place, first in England and later in the other parts of the British Isles. As a result of that development, which began about 250 years ago, Britain is today a great industrial nation. In Britain only 6 per cent of the people are engaged in agriculture. Extensive industrialization is generally followed by the concentration of people in urban areas, and in England and Wales 80 per cent of the population is urban and in Scotland 70 per cent.

Industrialization and urbanization were, in their early stages, attended with much poverty and unhappiness. Yet urbanization enabled the workers to combine more easily and so to fight for and obtain their economic rights. In addition, an industrial Britain soon became a wealthy Britain. As a result of their organization, the working people were able to obtain a fair measure of that wealth. This they did in two ways. Firstly they obtained a higher individual share by fighting for higher wages. Secondly they did so by urging the government to take an increasingly large share of the wealth of the country and make use of it for services from which the whole nation, including themselves, could benefit. In 1950, for instance, £6,000 per annum was about the maximum income a person could retain

after paying income tax, while the wage-earners were about 20 per cent better off than they were in 1939. At the same time the State was taking about 40 per cent of the national wealth and spending it on social services and subsidies.

All these things have made Great Britain a country where there are not glaring differences of wealth. While there are few who do not earn a reasonable living, there are even fewer enjoying enormous incomes. Generally speaking we can say that in Great Britain there is a greater freedom from want than in countries like India, Pakistan and Ceylon. Since the income a person receives determines to a large extent the social conditions of his life, we find that in Britain class stratification is not so great as in many other countries. It is true that the British people can still be divided into working class, middle class and upper class, but as there is no rigid barrier between one class and another, movement from the bottom to the top is not impossible; this helps to form a homogeneous people.

Another of the special characteristics of the British is their reverence for the past. Partly the reason for this is that the past has never been allowed to have a stranglehold on the present. Through the centuries, whenever change was necessary, change has come. When they revere tradition, the British are aware that change is also one of their traditions. In fact there is no better example of their respect and affection for the past, while at the same time changing according to current circumstances, than the evolution of the British system of government itself.

**Constitutional Evolution.** When the Anglo-Saxons settled in Britain in the 6th century A.D., their polities were kingdoms, for by that time, in their own Germanic lands, they had evolved the idea of kingship. But there was not a single kingdom of the whole of the British Isles, nor even of England, but a series of small kingdoms spread throughout the country. In the succeeding centuries each kingdom fought for the mastery of the others, while subsequent foreign invasions helped towards the unification of the kingdoms. When the Danes invaded Britain, some sort of unity of the English was formed under King Alfred (A.D. 871-99), who emerged as a national hero of the English. The political unification of England was completed, however, only when the Danish chief Cnut or Canute (1017-35) became the ruler of all England. The position was confirmed when William the Conqueror, leader of the Norman invaders, conquered England and became its King.

William the Conqueror established a form of land tenure (land being then the chief source of wealth) which became the foundation of the feudal system in England. The King was considered the sole owner of all land, he gave land to nobles for the services they were to render to the King which were partly military and partly administrative. In time, however, these feudal chiefs or *barons* began to exercise great power. About the 13th century, these barons became sufficiently politically interested as to want to control the King's policy for their own welfare. Thus began the struggle between the King and the barons for the control of government policy. The struggle only ended in the 16th century, with the rise to power of the royal line of Tudors (Henry VII, Henry VIII, Mary and Elizabeth I).

During these centuries however, several constitutional developments of great significance for the future took place. The King, who in the 6th century was regarded merely as the upholder of the laws (which were still only customs) came to be regarded as the law giver as well. From among the King's household officials grew up a body of men who came to be in charge of the great administrative functions of government. The King's Justices, later chosen from professional lawyers came to maintain a system of law which was applied throughout the country.

In the conflicts between the King and the barons however several other developments also took place. The barons succeeded in obtaining King John's signature to a document called the Magna Carta, which committed to writing certain undertakings of the King to protect the rights primarily of the barons but also of the townsmen and farmers as well. A precedent was thus created which helped to develop the theory that the King was obliged to defend certain rights of the citizens. The rudiments of a Parliament were also created when during the latter part of the 13th century, persons from shires and towns were summoned to the King's presence. Their summoning was in most cases the result of expediency in the struggle between the barons and the King. The powerful baron Simon de Montfort summoned such a gathering in 1265 in order to make himself popular at a time when he practically controlled the King. In 1272 King Edward I also summoned such a Parliament. Often the Kings found it useful to obtain the prior agreement of such a body before taxes were imposed on the people. Such assemblies were also helpful in giving first hand information of the way

King's Officers administered their duties. In 1327, when the enemies of King Edward II were able to depose the King, a Parliament was called to acquiesce in the deposition and did so. In the course of these years also the barons on the one hand, and the squires (small landowners) and burgesses (town merchants) and other classes of the 'common people' on the other hand, had begun to deliberate separately, thus bringing into being a House of Lords and a House of Commons separate from each other. By the time of the Tudors, therefore, a position had been reached whereby a unified national State existed in England with the King at its head. The rudiments of a Parliament had come into being with great possibilities for the future.

The constitutional development in England since that time has taken two directions. On the one hand, in these four centuries, the power which the King exercised largely at his own discretion was gradually but steadily transferred to the control of persons who could obtain the confidence of Parliament. The struggle now was not between the King and the barons, but between the King and Parliament. The result of this struggle was to place more and more authority in the hands of Parliament. The conflict was not entirely peaceful; a civil war was fought (1642-9) and one king beheaded (Charles I), while another was deposed (James II). The sum total of that conflict was that by the time Queen Victoria died in 1901 the power of the monarchy had been reduced to such small proportions that it was not incorrect to say that the King (or Queen) was almost powerless.

The other direction in which the Constitution developed was to make Parliament more and more responsive to more and more people, until today Parliament is almost totally subject to the will of the whole adult population. This development, again, had two sides to it. On the one hand, the members of the House of Commons were elected first by a narrow group with property qualifications; gradually these qualifications were reduced little by little till today there is no property or literary qualification whatsoever in exercising the vote to elect Members of Parliament. On the other hand, the power of the House of Commons as compared with the power of the House of Lords continued to increase till it has reached the position today where Parliament for most political purposes is the House of Commons. There are many landmarks in this gradual development which are worth noting. There are the various Acts of Parliament of 1832, 1867, 1884, 1918 and 1928 which gradually



extended the franchise to every adult citizen. There are the Acts of 1911 and 1949 which legally confirmed the subordinate position of the House of Lords. What is important to note, however, is that while the forms of the early Constitution such as the King, the House of Lords and many other details remain the effective control of government has been shifted to the people. The monarchy remains, but has little power. Effective power is in the hands of a Parliament which, though consisting of a House of Lords and a House of Commons, is controlled by the latter. The House of Commons is itself elected and therefore controlled by the adult citizens. In the process of making the government responsible to the people various new developments also have taken place. Political parties, the Cabinet system, collective responsibility, the eminent position of the Premier and the various organs of public opinion have arisen to perform that task. Some of these are the result of laws deliberately passed, others are the result of usage, habit, practice and understanding and are known as *conventions*. In the pages that follow we shall pursue the task of understanding how the government of modern Britain is carried out.

**The Monarchy.** We noticed earlier that during the centuries of British constitutional evolution the King's power, which at one time covered the whole field of government, has been reduced to very small proportions. The effective power of government is exercised by representatives of the people. Yet, with their love of tradition, the government continues to be carried on in the name of the King (at present in the name of the Queen). In fact every act of the government is in the name of the Queen, but it is carried out on the advice of the representatives of the people, the Queen having no power and little influence in their performance. In discussing the powers of the Queen, therefore, we have to make a distinction between the powers which the Queen actually exercises and the numerous things which are done in her name. This distinction is made by referring to the former as the Queen's powers or functions and the other as the functions of the Crown. In short, everything is done in the name of the Crown but very few of them can be done according to the Queen's desire.

As you may have guessed, the Queen is not entirely powerless; nor, which is more important, is she entirely functionless. The Queen's functions are of two kinds—political functions and 'ceremonial' functions. Her political functions are very limited. The

most important of these is the appointment of a Prime Minister. In a parliamentary democracy such as Britain, the people express their views as to how they should be governed by means of parties. If one party gets a majority in the House of Commons, the leader of that party has to be appointed Prime Minister. The Queen's function, then, is to approve what is in effect the people's choice by appointing as Prime Minister the leader of the party having a majority of members. Yet the Queen may be called upon to exercise some discretion if either the party in a majority has no leader, or if no party is in a majority. Constitutional authorities are of opinion that in either case the Queen may exercise a limited degree of discretion. In the case where the party in the majority has no leader the Queen may appoint a person from that party who has the confidence of the party. Her choice may fall on one of two or three known party leaders. Some authorities hold the view that even this choice is limited by the fact that the Prime Minister must necessarily be in the House of Commons. In the second case, the Queen has to choose a person who can form a stable government; theoretically she can call on any of the leaders of any one of the parties. Even here, some constitutional authorities hold the view that the Queen must call upon the leader of the largest party to become Prime Minister. All this will have made it clear how limited is the discretion that the Queen can exercise.

This is not the only power that the Queen possesses. There are several other functions in the carrying out of which it is considered that the Queen may exercise some discretion, but constitutional authorities are not agreed on the degree of discretion which the Queen may exercise. For instance, it is thought that if a Prime Minister requests the dissolution of Parliament, and if the circumstances are exceptional, the Queen may decide to grant or refuse his request; but the circumstances suggested are so exceptional that in fact they are unlikely to arise. In the normal run of affairs, therefore, the Queen is bound to grant the Prime Minister's request.

Even though the Queen may have little power, she can, if she is a person of experience and personality, exercise some influence. She has the right to be informed of all the important affairs of State. She has a staff which places before her the political developments of the country. If she has been reigning for a long time, and the Premier is new, the Queen may give advice to the Premier and warn him of the consequences of his actions. Prime Ministers often do pay serious heed to such advice. Yet,

in the last analysis, the Queen is bound to agree to the wishes of the government as expressed by the Prime Minister.

The real place of the Queen, then, is not in exercising political power, but in performing the 'dignified' functions of the State. She acts as the symbol of national unity. While the British people may disagree as to how the nation's welfare should be served, they are all agreed that the welfare sought is the nation's. In other words, as Sir Ivor Jennings puts it, 'We can damn the government and cheer the King'. Of course it is not necessary to have a King or a Queen in order to love one's country, but it is held that if the idea of nation can be personified it is so much the better. The enormous number of duties which the Queen performs are related to this end. She gives the weight of her association to those things on which the nation is agreed. She will, for instance, head the list of contributors to national charities. Her visit to a scene of disaster is a symbol of national sympathy. In a wide variety of actions such as these she personifies national unity and national concern.

With the development of the Commonwealth of Nations, the Queen also personifies Commonwealth cooperation. To all members of the Commonwealth she is the Head. To all, barring India, she is the Queen. If the members of the Commonwealth decide to disagree the Queen can do nothing about it, but so long as they agree to stay together she personifies that agreement.

In the opinion of most British people and Commonwealth members the Queen performs a useful function. There are, of course, others throughout the Commonwealth who feel that the monarchy is a symbol of a particular social system with which they disagree. Perhaps with time even that suspicion may vanish, it will depend on how the various Ministers who advise the Queen set about their responsibility. There is no doubt, however, that, as the monarchy is today, it is more a symbol than a power, symbol which many believe is a useful one.

Since the Queen has been shorn of power and has become a symbol, the responsibility of governing themselves has fallen upon the British people. This responsibility cannot be exercised by all the people meeting at one spot as in the days of ancient Athens. We have noticed in an earlier chapter the reasons why this cannot be done in any large country in the world today. The British people, therefore, elect a body of representatives to a Parliament for a maximum period of 5 years. They know then that they can judge the performance of these representatives

at least every five years and decide to return the same kind of people or not. The British Parliament, however, consists of two Houses—the House of Lords and the House of Commons. The former, whose members are not elected, has very little positive power, and so we can consider it later on. The British people elect representatives to the House of Commons, which for all practical purposes is Parliament, having the preponderant share of its power.

**The Parties.** As in the case of Ceylon, not everyone who is resident in Britain has the right to elect or be elected. Any person who is a British subject, twenty-one years or more of age and not subject to any legal incapacity is entitled to vote in any election in any constituency in which he resides, provided that he has been resident there for at least 6 months in the previous 18 months. Each constituency maintains a register of voters which is compiled by the government. There are differences in the qualifications needed by candidates for election. They need not be resident in the constituency in which they seek election. But they should not hold office under the Crown, nor be closely interested in contracts with the government. The election of members is carried out by dividing the country into constituencies. Periodically the boundaries of the constituencies are re-drawn so that members are elected from areas of roughly equal population. The most significant thing in the division of the country into constituencies is the impartial manner in which it is done. The boundaries were re-drawn in 1949 under the Labour government. In the 1950 election the Labour party lost 79 seats. It is estimated that between 25 and 50 per cent of that loss was caused by the re-drawing of constituencies. In short, the Labour government was willing that the constituencies should be drawn in an impartial manner even though by that they might lose seats and so the control of the government.

The total number of members in the House of Commons today is 630, and all of them are elected. The members are not elected in a haphazard way from people who have their own individual ideas as to how the country should be governed. Members are chosen from candidates who generally belong to political parties, each of which has a policy and a programme. The electors can consider the different programmes which the different parties put forward and vote for the candidates of the party which they think is best suited to govern the country. They know that if

one party wins a majority of seats in the House of Commons that party will govern the country for the next five years or so.

A very important feature of British political parties is that there are so few of them. There are the Conservative Party, the Labour Party, the Liberal Party and the Communist Party. The last two are so small that they have no prospect of forming a government in the near future. In effect, therefore, there are only two parties which can win a majority of seats and so form a government. Most voters tend to vote for one of these two parties and consider a vote for a small party which may never be able to form a government as a wasted vote. This two-party system has had a great influence on British politics which we shall see as we proceed.

The second most important feature is the fact that the parties are divided on economic rather than on racial, religious or regional factors. All the parties appeal to the British people and not to English, Scots or Welsh, nor to Catholics or Protestants. British parties are therefore national and not communal. The differences between the parties are mainly economic, not only in terms of policy but also in terms of support. Yet, on the most fundamental issues, the two major parties are agreed. Both the Conservative and Labour parties accept parliamentary institutions, and consider peaceful persuasion as the only legitimate method for political change. They both believe that the 'ballot-box' is a sound and sure way of bringing about the necessary changes. On many current domestic and external problems they tend to agree to a large extent. Both stress the need for full employment, social security, adequate health and educational services and housing, town and country planning, increased production and a minimum standard of living for all. Both urge support of the United Nations, allegiance to the Commonwealth and friendship with the United States. Both are agreed that the colonies should be gradually developed for self-government and both accept the slow pace at which this is done.

Nevertheless, there are significant differences in emphasis. Labour stands for nationalization with fair compensation as a means of bringing about social welfare, but nationalization however, only of the key industries such as fuel and power, inland transport, iron and steel, chemical monopolies and banking. It stands for the supervision of monopolies, control of prices and the taking over of farm land which is not being used efficiently. It speaks of its readiness to co-operate with Russia in international affairs. The Conservatives on the other

hand, dislike nationalization, and regard private enterprise as the supreme means of national development. They do not wish to maintain price controls. They are perhaps a little less willing than the Labour Party to talk peace with Russia.

Compared to the agreement the differences are small, so much so that Lord Balfour once declared that British parties could safely afford to bicker about the details because they were agreed on fundamentals. This agreement on fundamentals is partly due to the fact that the British are in most way a homogeneous people. They are significantly so in economic affairs. Secondly, in view of the two-party system, each party has to appeal to a group of people in the middle of the two parties, by whose support only can one party come to power. The Labour Party generally can obtain about 10 to 11 million votes from its convinced supporters. So can the Conservative Party. In between is a group of about 2,500,000 people whose votes can decide the issue. Any party which wishes to win must get the votes of this group, which is mainly of the middle class. Both parties, therefore, must so set their programmes as to attract these people. The Labour Party has to move a little towards the centre while holding to its socialist supporters; the Conservative Party has to move towards the centre too while holding the more right-wing supporters.

This has been made possible partly by the two-party system and partly by the strongly centralized nature of the parties. All the parties are well organized and directed from central headquarters. The Labour Party, for instance, consists of an alliance of trade unions, the Cooperative Party, socialist societies and constituency Labour Party branches. All these are held closely together by means of an Annual Party Conference, a National Executive Committee, an advisory body called the National Council of Labour, a Central Office and a Parliamentary Labour Party. The Annual Conference meets every year and consists of representatives from the various affiliated organizations according to the strength of their membership. It is here that the general programme of the party is approved. The Conference elects a National Executive Committee to manage the party affairs in between the Conferences and to control the Central Office. The National Council of Labour consists of representatives from the Trade Union Congress (7), the National Executive Committee (3), the Parliamentary Labour Party (4), and the Cooperative Union (7). The members of Parliament who belong to the Labour Party form the Parliamentary Labour

Party. If the party gets a majority its leader becomes the Prime Minister, otherwise he becomes the Leader of the Opposition.

The Conservative Party is similarly organized. Its most representative organ is the National Union of Conservative and Unionist Associations. The Conference of this Association consists of members representing the constituency associations. The party also has a Central Council and an Executive Committee. The important work, however, is done by the Central Office which is under the control of the leader of the party. Indeed in the Conservative Party the leader holds a predominant position. It is the party leader who formulates policy, and the resolutions of the Conferences are only for his guidance and do not bind him.

The close control which the parties maintain has resulted in a good deal of discipline among party members. Since the parties make substantial contributions to election expenses, only a few candidates (and these mostly from among the Conservatives) can afford to come forward on their own without a party label. Even if they do, their chances of success are meagre. In 1950, for instance, no non-party (i.e. Independent) candidates were elected. In 1951 there were only three Independents and in 1955 there were none. Since there are only two major parties, each having a solid block of support, and since Independent members are not approved of very much by the electorate, the 'middle-of-the-road' voters, if they want to be effective, must vote for one of the two parties. Since the most significant voters are the middle-of-the-road voters, the parties must suit their programmes accordingly.

There are, as we mentioned, two minor parties. The Liberal Party, which was once one of the two major parties, is now a shadow of its former self. In 1950 it put forward 478 candidates, but only 9 were elected and 319 lost their deposits because they could not poll even one-eighth of the total votes cast in their constituencies, in the 1955 general election it won only 6 seats. The Communist Party also is weak. Both in the 1951 and 1955 general elections the party failed to elect a single candidate.

The electors in Great Britain, therefore, in effect have to choose between one of two ways of being governed—the Conservative way and the Labour way. In 1945 and 1950 the voters elected a majority of Labour Party members, and in 1951 and 1955 a majority of Conservative Party members. Once a party has been elected to a majority, it is the duty of the Queen to call upon the leader of that party to form the Government.

Thereby she recognizes the popular will. By asking the leader of the party which is in a majority in the House of Commons to be Prime Minister, the Queen is in effect asking that the government of the day be carried on according to the wishes of the majority of the people. Sometimes it may happen that a party with a majority of votes wins a minority of seats. Yet these instances are rare and the practice of asking the leader of the party in a majority is followed even then. Although this sounds undemocratic, the British people think that it is less harmful than breaking Parliamentary traditions.

**Cabinet Government.** The function of the Prime Minister is to form a government and maintain it. The Prime Minister has to choose colleagues with whose cooperation he can translate the party policy into a workable government policy and also see that this policy is carried out. In a highly developed country like Great Britain, with vast social welfare schemes and considerable international importance, the spheres of activity which should be guided according to party policy are very large. The Premier, therefore, has to choose a number of colleagues adequate to this task. Generally he chooses about seventy persons, the majority of whom are called Ministers and the others Junior Ministers. In Great Britain not all of the Ministers and the Junior Ministers are referred to by a common name such as 'Minister'. The Minister of Finance is called the Chancellor of the Exchequer; the Minister for Commerce is called the President of the Board of Trade; the Minister for Commonwealth Relations is called the Secretary of State for Commonwealth Relations. Only some are called Ministers, e.g. The Ministers of Defence, Agriculture and Fisheries, and so on. It is the same with Junior Ministers. Some are called Under Secretaries of State, others Parliamentary Secretaries, yet others Financial Secretaries and Junior Lords of the Treasury. Nevertheless, they are all Junior Ministers.

The Ministers and the Junior Ministers form what is called the *Ministry*.<sup>\*</sup> The function of the Ministry is to carry out the policy of the government in the various branches of activity of which it is in charge. The major task, however, is not this but the task of formulating government policy. This is done by the Cabinet. The Cabinet consists of a number of Ministers whom the Prime Minister chooses to cooperate with him in

<sup>\*</sup> *Ministry* here is equivalent to *government* in Ceylon.



determining high government policy. It consists generally of about twenty Ministers, so that not all the Ministers are Cabinet Ministers. Theoretically the Prime Minister can include any Minister in the Cabinet, but certain spheres of activity are so important that the Ministers in charge of these activities are invariably in the Cabinet. Generally, the Prime Minister, the Chancellor of the Exchequer, the Home Secretary, the Secretary of State for Foreign Affairs, the Secretaries of State for Commonwealth Relations, for the Colonies and for Scotland, the Lord Chancellor (Minister of Justice), the President of the Board of Trade, and the Ministers of Defence, of Agriculture and Fisheries and of Labour are in the Cabinet. Certain statesmen are also made Cabinet Ministers without being given charge of any special activities. Their function is to devote their entire time to policy-making and to coordinating the policies in regard to the various governmental activities. Certain Ministers, though not in the Cabinet, are of 'Cabinet rank'. Such Ministers are invited to Cabinet meetings when policies pertaining to their work is being discussed.

The selection of Ministers both for the Ministry and for the Cabinet is no easy task. Since they have, in most cases, to be in charge of the various activities of government, they must be persons who can defend their work as well as their policy in Parliament. They must have sufficient administrative ability to supervise the work of which they are put in charge. These qualities are generally tested when young parliamentarians are appointed to the posts of Junior Ministers. Some of them pass rapidly to Ministerial posts and prove themselves so capable that they are considered leading men in the party. Some of the leading men in a party are of such public stature that they invariably get chosen as Cabinet Ministers when the party comes into power. Even so, the task of dividing the work of the government or, in other words, of distributing the Ministerial posts is entirely the Prime Minister's responsibility. He is also the person responsible for deciding how the work of government should be divided up, and which departments should be grouped under which Ministers.

The Prime Minister is careful in the choice of his Cabinet because it is the highest political body in the country. It decides the final determination of policy to be submitted to Parliament. It exercises supreme control of the executive in accordance with the policy drawn up by it and approved by Parliament. It is continually coordinating and determining the authority of the

various departments of government. The first function involves the Cabinet in a great deal of legislative work. Since all major policy can be put into operation only by means of law, the Cabinet decides on the policy and on the bills which could embody that policy. The more work a government does, the more matters of policy there will be to discuss and decide on. In a country like Britain the work is enormous. The Cabinet also keeps an eye on the administrative machine by having Cabinet Ministers in charge of the more important activities of the State. The work of coordinating government activity has increased with the increasing work of government.

All this has meant that the Cabinet in Britain has had to evolve a method of performing these continually increasing tasks. Since the Cabinet ordinarily meets only twice a week for about two hours when Parliament is in session, and less frequently out of session, the work must be well organized if decisions are to be obtained. This is done largely by means of the Cabinet Secretariat. It prepares the agenda for the meetings, keeps a record of the Cabinet decisions and circulates them to the Ministers. Before a matter can come up before the Cabinet for discussion, memoranda carefully describing and explaining the subject at issue are circulated among the members. No subject is sent up for Cabinet decision until it has been fully discussed by all the departments which might be affected by it. Since the Cabinet is well aware of the proposal at issue, and of the views of the various departments concerned and the points on which they can and cannot agree, it is comparatively easy to come to quick decisions. The Cabinet also makes constant use of Cabinet committees to receive substantially agreed proposals for its final decision, and also to see that the decisions are carefully carried out.

Cabinet meetings, therefore, do not take up much of the Cabinet Ministers' time. Yet within the limited time they devote, they have to bring certain qualities to their decisions. They must be persons who can grasp the essentials of a problem quickly and decide without delay the issues involved and the solution. They must therefore be persons who can judge political events accurately. Some call this quality 'common sense', others 'judgement'. Their judgement should extend to being able to choose the right man for the right job, because not only must they decide on the right thing to do, but see that it is done; they will be held responsible by the people both for the things they do and for the things they fail to do.

It is this responsibility which is the main thing in Cabinet government. The Cabinet must carry out the policy for which its party was elected to a majority in Parliament. The party's future chances of election depend on the performance of the Cabinet. The Cabinet's success will depend upon the decisions it takes and the way it carries them out, that is to say, on its policy and its execution. It also depends on keeping party solidarity, for a divided party will in all probability lose the next election. The same principle operates in the Cabinet too. Cabinet Ministers may have differences of opinion on the matters under discussion, and in fact they often do. Yet it is unwise to let their differences be known to the public, for if that happened the Cabinet would be open to the charge that it did not know its own mind. The party which is in a minority may use Cabinet differences in order to press its own views on the people. It may sow dissension in the Cabinet's party ranks. For all these reasons British Cabinets have come to follow a principle which is called *collective responsibility*.

Collective responsibility means that the whole Ministry, but primarily the Cabinet, is responsible for all the decisions of the Cabinet. Whatever the Cabinet decides the whole Ministry must loyally carry out and loyally support. It may be that Parliament wishes to disapprove of the programme of one Minister only, yet the whole Ministry will come to his defence and if the Minister's programme is rejected the whole Cabinet and therefore the whole government will resign. Parliament and the country, in fact, have to accept the whole policy of the Cabinet or else reject the whole of it.

Since the whole weight of the government is thrown behind every Minister, the Ministers both inside and outside the Cabinet, and the Junior Ministers as well, have certain obligations. If a member of the Ministry disagrees with Cabinet policy his alternatives are either to support it or to resign. If he decides to support the policy he is bound to accept certain rules. He must not criticize Cabinet policy in public, he must speak in its defence if called upon to do so, he must vote for it if it is put to the vote.

This principle has been steadily followed in Britain throughout the last hundred years and more. When Ministers have disagreed too deeply with government policy they have resigned. When they have failed to obey the rules, they have been asked to resign or have been dismissed. In the early days the rule applied only to Ministers but now it applies to Junior Ministers as well.

**The House of Commons.** From what has been said above it is clear that it is the Cabinet which is primarily responsible for the government of the country, although the non-Cabinet Ministers and Junior Ministers are also associated in it. It is not Parliament which governs the country. Parliament, which consists of 630 members in the House of Commons and about 800 in the House of Lords, is too large a body for the purpose. Even if we take only the House of Commons, which is the significant partner in Parliament, 630 members are too many for the task. The numbers are too large, the problems of government too intricate and the time available to members too small to make it possible for the House of Commons to govern; yet the function the House of Commons has to perform is a very important one. Let us consider this in some detail. The House of Commons consists, generally speaking, of members who either support the government or oppose it. Only because the members supporting the government are in a majority can the government carry on, since every important act of government must be approved by the House of Commons. Generally speaking, also, the government party gives its approval to government policy since it is to do so that it was elected to a majority. Members are elected as party men because the people can in this way decide between two party programmes and so choose the way they are to be governed. The Conservative members support a Conservative government while Labour members support a Labour government.

Generally speaking, government party members will support the government on almost all issues. This they do for a variety of reasons. Firstly they were elected in order to do so. Secondly, if they oppose and so help to defeat the government, one of two consequences may follow. The Cabinet may resign and allow the opposition to form the government or the Prime Minister may advise the dissolution of Parliament, thus causing a fresh election to the House of Commons to be held. In the latter case there is always the possibility that the opposition may be returned with a majority to form the government. In either case, therefore, a defeat of the government may result in the opposition's coming to power. When the Conservative party is in power, as it is today (June 1955), Conservative members of Parliament will rarely want to vote against the government lest the Labour Party should come into power. After all, they are Conservatives because they prefer a Conservative policy to a Labour policy.

Thus the party in power knows that, in all but exceptional situations, the party members will support the government. Even so, the duty and interest of a government party member of Parliament is not to support the government blindly. If the government's policy is unwise the party may lose its majority at the next election and so lose power. Government party members of Parliament have the duty of informing the Cabinet of what the people think, especially what the middle-of-the-road voters think. Generally they do so by private conference with the Ministers or with the Whips—the persons appointed by the Prime Minister to act as liaison officers between the government and its supporters. They do so also in the various opportunities which they get for speaking in the House. No Cabinet will drive its supporters to vote for policies which they resent, it will rather try to convince them, and will probably reach compromise solutions to contested issues.

The other members of the House, who are in a minority, form the opposition. Their function is to criticize government policy and lay bare its weaknesses. They perform a great service in doing this for it enables the people to judge between the government party and the opposition. If the people, especially the middle-of-the-road voters, are convinced that the opposition is right, the opposition party may be returned to power. Today the Conservatives form the government while the Labour Party is the opposition. In 1945-51 the Labour Party formed the government and the Conservatives formed the opposition.

If the government in power does not allow the opposition to criticize freely, the people will not have so much opportunity to learn of any weaknesses in government policy. By that means the government party might continue in power for a longer period, but that, of course, would mean a denial of democracy. In Britain such a development is most improbable, because the people have learnt that the secret of democracy is the toleration of criticism.

In the British House of Commons therefore, we have the spectacle of the government governing and the opposition opposing. The opposition, however, only opposes and does not obstruct the government, this is largely because the government does not obstruct the opposition.

This position can be achieved only if the procedure in the House of Commons is directed to that end. We must suppose, however, that some brilliant constitutional expert has worked out this plan of democratic government and drew up a project

or the House to follow. In fact the procedure of the House itself grew up to suit the circumstances of each period in the country's constitutional evolution. Some parts of the procedure naturally became out of date with time. The British have generally not discarded the forms of such procedure altogether, but while keeping the same forms they have used them for different purposes. Some other older forms have been retained, but are put to little use, while new additions have been made when found necessary. The procedure of the House of Commons today, therefore, looks out of date at certain points; at others the forms give a wrong picture of what is actually being done. Nevertheless, the basic characteristic of the procedure is that those general functions which the members of the party in power and the party in opposition wish to perform can be carried out efficiently.

Some form of procedure is necessary if these functions, or indeed any functions, are to be carried out at all. The procedure of the House exists in order that the House may perform its duties in an orderly and dignified manner. It is meant to permit the two parts of the House to carry out their functions well. Since the government in power is always at an advantage, the procedure is also useful in maintaining the rights of the opposition. That procedure is not merely a matter of law but of hallowed practice as well. The great authority, Sir Erskine May, in writing his standard work on the procedure of Parliament, called his book *The Law, Privileges, Proceedings and Usage of Parliament*.

To provide a procedure for the House is one thing, but to maintain it is another; for the justice of maintaining the rules of procedure lies in doing so impartially. The person who carries out this task is the Speaker of the House of Commons. The Speaker carries out his functions in the most impartial way possible. This has been achieved partly by force of tradition and partly by providing the best conditions for his impartiality. The Speaker must be a member of the House, but the person elected as Speaker is always a 'backbencher' who has not entered into controversial politics. The government always consults the opposition in deciding who the Speaker should be. The Speaker, prior to his election, will probably be a member of a party, but as soon as he is elected he resigns from his party and ceases to pay party dues. The Speaker is provided with a residence at government expense. His salary is paid from the consolidated fund. He is generally re-elected as Speaker

(if he gets re-elected to the House of Commons) so long as he wishes to serve. He is rarely opposed in elections to the House, although there are a few instances when this has happened. When he retires, he is given a pension and a peerage. He retires from the Speakership only when he wants to retire from public life, and therefore he will not use the Speakership as a means for personal advancement. The Speaker is therefore, both impartial and independent. This is very important for parliamentary democracy.

We noticed earlier that the House of Commons is elected for five years and lasts for that time unless it is dissolved earlier. But the House does not meet continuously from the time of its election to the time of its dissolution. Its meetings are divided into sessions. There is generally one session of Parliament every year, although the length of the session itself may vary. For the last twenty years the session has begun in autumn (i.e. in either August, September or October) and has finished in July or August the following year.

Since Parliament has to approve all the important acts of government it has to get through a good deal of work in a session. Parliament has to approve the expenditure of public money for the government of the country for the coming financial year. It has to consider the various proposals for law which are placed before it by the government. It has to allow members of Parliament time to give expression to their views on various issues. The first two duties which take the bulk of parliamentary time, depend on the Cabinet. The Cabinet has to decide what policies it proposes to carry out, and this involves deciding on what laws it should ask Parliament to pass and what amounts of money need to be spent.

Every session is opened with a Speech from the Throne delivered usually by the Queen in person. In this speech (written by the Cabinet) the Queen states what the government of the day proposes to do in the session just begun. The speech mentions the policy of the government in various fields of activity and what legislative proposals it will ask Parliament to approve, and states that the government will ask the House of Commons to approve the expenditure of certain sums of money.

From this alone it should be clear that the work of the House may vary from time to time in the same session. At one time the House may discuss bills; at other times the sums of money asked for. One particular day in the House may therefore differ

from another, depending on the particular major work that is being done. But whatever the major work of the House on a particular day may be, on each day the House follows a certain regular procedure.

The House of Commons meets every Monday, Tuesday, Wednesday and Thursday between 2.30 p.m. and 10.30 p.m. and on Fridays between 11 a.m. and 4.30 p.m. It does not meet on Saturdays and Sundays. This is the normal practice, although on occasion, for special reasons, the House may sit beyond these hours. In each session also the House takes a *long recess* or holiday, usually in the summer months (about June, July and August). These periods of inactivity are called the *adjournments*.

The House begins its day with prayers and then gets down to formal business, i.e. business which does not take much time—for example, formal announcements, presentation of public petitions, or motions for conducting by-elections. All these do not usually take more than five minutes. Soon after this comes question time,\* which lasts till about 3.30 p.m. on a normal day.

Question time is one of the most important features of the business of the House. During this hour, members can ask the members of the government questions concerning public affairs. In doing so, the members have to follow a certain procedure. They must first write their questions and hand them to the Clerk of the House, mentioning from whom they are to be asked and when. The questions are then printed in the official notices of Parliamentary business. They are also numbered. In the meanwhile, the questions will have been sent to the respective departments and answers prepared. On the day a question is to be asked, at question time, the member who gave notice of it rises in his seat and says, 'Question number 63 (or *whatever it may be*) to the Minister of Defence, Sir' (or *whoever the Minister may be*). The Minister then gets up and gives his reply. Soon after, the member or other members may put *supplementary questions* arising out of the reply. Each member, however, can ask only three oral questions a day, and if he wants to ask more he can expect only written answers and not oral. When a member gives notice of his questions he marks those to which he wants oral answers. Normally in a day there are from 60 to 200 questions asked and answered in the House in addition to written questions and answers.

\* Except on Fridays, when there is no question.



Soon after question time, for about fifteen minutes, or other not very controversial business is taken up. Depending on the circumstances, this may include statements by Ministers, statement of business for the coming week, the introduction of members, personal explanations, etc. The main business of the House commences at about 3.45 p.m. and goes on till 10 p.m. It may be a debate on a bill or a debate on a financial matter.

Let us consider these two main functions as they are formed in the House of Commons. Most of the bills that are considered in the House are those introduced on the initiative of the Cabinet. The Cabinet can introduce bills which affect the public generally or bills which affect only a particular person or a group of persons. Government bills (i.e. introduced by the government) may thus be of two kinds: public bills and private bills. Individual members of the House also may introduce bills pertaining to these two categories. Thus private members' bills may also be public bills or private bills. The most important, however, are the government-sponsored public bills because the others are few and far between.

A public bill has to go through the House in a number of stages. These are the first reading, the second reading, the committee stage, the report stage and the third reading. The first reading is purely formal. On the day a bill is put down for its first reading, soon after question time, the Speaker will call the name of the Minister in charge of it. The latter will then rise from his seat and bow, and the Clerk to the House will then read the title of the bill which has already been supplied to him. The bill is then considered as read for the first time. At the request of the Speaker, the Minister will name a day for the second reading.

Before the second reading the bill is published and the members get an opportunity of studying it. On the day fixed for the second reading, at the appointed time, the Minister in charge of it will get up and move 'that the bill be now read a second time'. He will also proceed to make a speech in support of it. Some prominent member from the opposition will follow him. So the debate will continue till it is (by arrangement) summed up either by the Minister himself or by the Parliamentary Secretary. At the second reading only the main principles of the bill are discussed. The government will vindicate it and the opposition will attack it. At the end of the debate the bill is put to the vote, and since it is a government bill it will normally be passed.

When a bill is read for the second time it will be sent to one of the committees, of which there are several kinds. There is the Committee of the Whole House which is, as the name indicates, the House sitting as a committee; instead of the Speaker it is presided over by the Chairman of Ways and Means. Then there are the Standing Committees and the Select Committees. Normally a public bill is referred to one of the Standing Committees. The advantage of discussion in a committee is that members can speak any number of times, which they cannot do in the House, and the party control is a little less strong. In committee the principles of the bill cannot be changed, but only matters of detail which do not affect the principles of the bill. At this stage the government often accepts proposals of the opposition to amend the bill in points of detail.

When a committee has finished its discussion it reports to the House. If the committee was a Committee of the Whole House, no debate takes place unless the bill was amended. Technically there is a debate if the committee is of any other kind. There is little excitement about this stage, and the bill is normally taken up for the third reading the same day. Since discussion on the bill has already been thorough, at the third reading there is rarely a debate. Often it is passed even without a division. The bill is now ready for dispatch to the House of Lords.

When the House discusses finance the procedure is a little different. Financial matters are of several kinds. There is, first, the business of getting the approval of the House for the coming year's expenditure. Secondly, the House must pass the bills necessary to collect the revenue for this. Thirdly, the government has occasionally to ask for further grants of money, if the amounts granted earlier for specific purposes are found to be inadequate. This last is not frequent and therefore will not be considered here.

Every year, the House has to approve the amounts of money to be spent for the ensuing financial year. The government, with the help of the departments, decide how much ought to be spent and on what things. These are called *estimates* and are published for the information of the House. No money can be spent, however, until the House of Commons approves. The House devotes about twenty days in each session to the discussion of financial matters, although this is not done all at one time. The government requests that money be granted for the various groups of activities it proposes to perform. Since there are a

large number of these groups, the House does not have enough time to discuss every one. The government therefore comes to an agreement with the opposition to discuss those groups of activity which the latter wants to comment on, on the understanding that when the time allocated for the financial matters comes to an end, the opposition will agree to let the others be put to the vote without debate. Since the government has a majority in the House, all its requests will be granted whether they are debated or not.

Whether the House discusses bills or whether it discusses finance, the government is normally certain of having its way. Yet it is a cardinal feature of British democracy that the government permits the opposition its legitimate right to criticize. In fact, before all debates, the government and opposition arrange who the speakers are going to be and when the debate is going to end. That is because both groups know that the debates are not going to affect the decision of the House either way. The debates are only for the benefit of the public, who can judge which of the two parties deserves to be elected to power at the next election.

We noticed that the major business of the House comes to an end at 10 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and at 4 p.m. on Fridays. On every one of these days at these stated times a member of the government moves 'that the House do now adjourn'. Yet it has been arranged that on this motion to adjourn a discussion will take place for half an hour. The matters discussed in this half-hour are usually personal or minor grievances, generally arising out of some question which has not been satisfactorily answered. At 10.30 p.m. and 4.30 p.m. respectively, the House stands adjourned for the next day. This is the normal practice. There are variations when the occasion demands it, and there have been several instances when the House has sat all night.

Out of the Friday sittings about twenty in each session are devoted to discussing proposals initiated by private members. Some are private members' motions and others are private members' bills. These discussions enable the members to give expression to their views on matters which are not brought forward by the government. Since the time allowed is small and the number of members is large, there is generally a ballot to decide which members will get the opportunity to bring forward their proposals and on which Friday.

This brief survey of the more important features of the

procedure of the House of Commons is meant to illustrate the main points which we noticed earlier. In general the purpose of the procedure is, firstly, to enable the government to explain and defend its policies; secondly, to enable the members of the party supporting the government to inform the government of what the country thinks of these policies; and finally to allow the opposition to criticize these policies. From the performance of these functions the public is given an opportunity to judge between the government and the opposition at the following election.

**The House of Lords.** So far we have considered the House of Commons only, but Parliament consists of the House of Lords as well. In an earlier chapter we considered the case for and against Second Chambers; these arguments apply to the House of Lords, but the British people have one reason for maintaining it which we in Ceylon have not. The House of Lords has existed for centuries, and the British with their respect for the past do not wish to do away with it completely; instead, the power of the House of Lords has been progressively reduced.

While the British supporters of a Second Chamber can claim the antiquity of the House of Lords as an argument for its retention, its composition, which is its least democratic feature, is the result of that antiquity. The House of Lords consists of over 800 members. Ninety per cent of them are there by the accident of birth, for they happen to be the eldest sons of eldest sons descending from ancestors who were first created noblemen. These are the hereditary peers. In addition to these there are princes of the blood royal, 26 lords spiritual (i.e. the archbishops of Canterbury and York, the bishops of London, Durham and Winchester and the 21 bishops next in seniority of service), 9 lords of appeal in ordinary (called law lords), 16 peers representing the peers of Scotland and the survivors of the 28 representative Irish peers who held seats in 1922.

Because of the predominance of the hereditary element, Conservative peers are always in a majority in the House of Lords. Some of them are even further to the right than the Conservative party in their political views. This has been one of the main criticisms levelled against the Upper House by the Labour Party.

Yet the powers of the House of Lords are strictly limited. It can delay ordinary bills (other than any bills extending the life of Parliament) for one year only and financial bills for one month.

It performs certain useful services. It acts as the highest court of appeal in the country (and here by convention the law lords, the Lord Chancellor and any members who hold or have held high judicial office sit). Its private bill committees do useful work. It initiates bills of a non-controversial nature and so relieves the House of Commons of work. But the question which the British people have to decide is this: are the useful services which the House of Lords carries out sufficient to compensate for the possibility that its Conservative majority may use it to delay bills which a Labour government elected by the people might wish to put in the statute book? This debate is still going on.

The government and Parliament alone, as we noticed in the case of Ceylon, cannot carry out the day to day administration of a country. In Britain, the policies decided upon by the government and approved by Parliament are performed by an efficient administration, and the laws of the country are maintained by a competent and impartial judiciary. A system of local government developed in the course of centuries completes the political structure of the country. But we cannot consider all these in this book. Those of you who are interested will probably find several books in your library which will help you to understand these institutions as well.

**The Rule of Law and the Separation of Powers** Of one thing we can be sure, and that is that Great Britain has evolved a system of government which has been imitated and admired by many countries. *Scholars of many nations have admired the British political system and some of them, like the Frenchman Montesquieu in the 18th century, sought to learn the secret of British politics.* Montesquieu, for instance, thought that the degree of liberty found in Britain was the result of a 'separation of powers'. He believed that in Britain the three branches of government—the Executive, the Legislature and the Judiciary—were in the hands of separate groups of persons and so were separate. The result of this view was that for many years after he wrote people thought that separation of powers was the secret of liberty.

We know now that this was a misunderstanding of the British constitution by the great French scholar. In law, there is no separation of powers between the various agencies of government in Britain. In fact while the Judiciary is independent of political control, the Legislature and Executive, far from being

separated, work closely together. To a great extent it is the cooperation of these two agencies which has brought about the degree of democracy which exists in Britain, although everyone agrees that the independence of the Judiciary as found in that country is the essence of justice.

Many years later, an English jurist called Dicey held the view that the secret of liberty in Britain was the existence of the principle of the *rule of law*. By this Dicey meant three things. He meant that the 'regular law' was supreme as against arbitrary power. Secondly, he meant that in Britain all the people are subject to the ordinary law of the land administered by the ordinary courts of law. Thirdly, the rule of law meant that the principles of the constitution were evolved as a consequence of the rights of the individual.

Dicey's interpretation of the rule of law is not accepted as correct by modern constitutional lawyers. They have proved that his first idea, if taken literally, has no value since even a dictator could translate his arbitrary will into law quite easily, and that the other two are not quite correct. But even so the idea of the rule of law is a useful one. By this phrase we do not mean what Dicey taught. Rather, the concept of a rule of law implies an atmosphere easily recognized but difficult to define. It implies that powers of government should be obtained only by parliamentary enactment or by decisions taken by independent courts. It implies also that the powers of government should be distributed and determined by reasonably precise laws. 'It assumes that among equals the laws should be equal and should be equally administered, that like should be treated alike.' Finally it implies a notion of liberty.

It is easy to get into difficulties by giving precise meanings to these ideas. For, in the last analysis, a country will have public order and freedom not by the particular interpretation which each age gives to formal ideas, but by the simple fact that a government is subject to the control of the people and that they can turn out a government which they do not like.

## THE COMMONWEALTH OF NATIONS

CEYLON, the United Kingdom and her dependencies, Canada, Australia, South Africa, New Zealand, India and Pakistan belong to the Commonwealth of Nations. This association of countries covers an area of nearly 16,000,000 square miles and has a population of over 600,000,000. You can understand what a large association this is.

Of the countries mentioned above, all except the dependencies are self-governing members. The dependencies, as the name suggests, are not self-governing but are in various stages of a process which we hope one day will lead to self-government. These dependencies can be classified into Crown colonies, protectorates, and territories under mandate or trusteeship. Crown colonies are British territories acquired by conquest or cession. Protectorates, are, in law, not British possessions, but countries which have accepted the protection of the British Government, which controls their external relations while leaving some power in the hands of local rulers. The territories under trusteeship are former German or Turkish colonies which were taken over after the First World War under the League of Nations mandate system. These have now been placed under United Nations trusteeship. These territories are governed as colonies, but yearly reports must be sent to the United Nations Trusteeship Council. When we speak of the British Colonial Empire we mean the United Kingdom, her Crown colonies, protectorates and trusteeship territories. When we speak of the Commonwealth of Nations we mean the United Kingdom and her dependencies on the one hand and the self-governing members which were mentioned earlier on the other.

**The Evolution of Dominion Status.** You may wonder why this large number of self-governing countries—the dependencies having no choice in the matter—with different peoples, different languages, different cultures and different economic and social systems have agreed to stand together. If you remember, however, that all these self-governing members were at one time dependencies of Great Britain, you will realize that history has much to do with it. In fact the Commonwealth of Nations grew out of the colonial empire. Some countries

became self-governing earlier than others and some are now on the verge of becoming so. We hope that before long no country in the world will be under the political control of another.

Great Britain began her colonial enterprise as early as the last years of the 16th century. You may have read in your history books of the great discoveries made by Europeans during this period. European traders had to discover a new route to India by sailing round Africa because the land route was blocked by the Turks. Since their geographical knowledge was limited and ships were still primitive, only men of great courage undertook these voyages of discovery. In the process they discovered not only a new route to the East but also new lands in the West—the continent of America. The Spanish and Portuguese were the pioneers, but England soon followed them. When new lands were discovered the country under whose patronage the voyage was conducted claimed them.

There were several reasons why England at this time wanted a colonial empire. She was experiencing a great commercial expansion herself, and the founding of settlements in America was a method of diversifying and expanding her commerce. English colonies would serve a double purpose. They would be an assured market for her industrial products and a source of raw materials. The prevalent economic idea of the time was to make each country self-sufficient both for peace and war. In peace, it was thought, if a country bought as little as possible from foreigners and sold them as much as possible of any surplus it had, the result would be to attract gold and so make that country rich. In war self-sufficiency would make the country better able to stand the hardships of conflict. Since colonies were thought of as part of the mother country, colonial expansion suited the ideas of the age. Colonies were expected to produce those things which the mother country did not. England encouraged the establishment of colonies for that reason. Men and women were drawn into going to these new colonies, in some cases by visions of new wealth and happiness. Yet it was not the thought of economic gain only which attracted people to the new colonies. In the 17th century there were serious religious differences in the country. You will have heard of the Reformation in Europe and the establishment of a national church in England outside the control of the Pope. These factors broke up the unity of religion which Englishmen had possessed and various religious sects developed in the country. These came to be known as Non-conformists because they did not



conform to the teaching of the established Church. There was no religious toleration in England until after the 17th century. To seek freedom from the religious persecution to which they were subjected, large numbers of English people left for the New World. Perhaps you have read of the *Mayflower* and the Pilgrim Fathers. They symbolize the exodus of English people into the new colonies.

England also acquired colonies by conquest. In the 17th, 18th and 19th centuries, there were frequent wars among the great nations of Europe. These were fought in their colonies as well as on their own soil. In many of these wars England was victorious and was able to obtain possession of the colonies of her defeated enemies. That is how Canada, South Africa, the British West Indies, Ceylon and certain parts of India came under English rule. England also expanded her empire by means of wars with the local rulers of the countries where they obtained a foothold, as in India and Ceylon. These, then, were the reasons which led to a great colonial expansion by the English people.

By the middle of the 18th century Britain, as the country was called after the union of England and Scotland in 1707, had a large number of colonies, especially in the continent of North America. Some of these were settled colonies where large numbers of British people made their homes, others were conquered or ceded colonies where other peoples were generally in the majority. In those parts of America which are today the United States of America, several colonies were established with a form of government similar to the one existing in Britain at the time. Each of those colonies was ruled by a Governor\* helped by a nominated Council and an elected Legislative Assembly. You will see that these resembled the King, the House of Lords and the House of Commons of the time. The Governors in the various settled colonies were responsible to the British Government for administering them, but the Assemblies had the power to vote on taxes necessary to obtain the revenue. The 'power of the purse' which the latter thus had was used by them to win more and more control over the government of the colonies. By the middle of the 18th century the Governors in the colonies in America were gradually brought to a position of little power.

Economically also, the colonies found the policy of the mother country irksome. While Britain wanted the economic

\* Governors were either elected, appointed by the Crown or nominated by the Company under the charter.

development of the colonies to complement her own, in fact it turned out to be competitive. Colonies were compelled to break the laws of the mother country which attempted to establish a system of self-sufficiency between herself and the colonies. It was this economic and political discrepancy which led to the War of American Independence between the American colonies and Britain. The result of this war was that Britain lost the thirteen American colonies which later formed themselves into the United States of America.

This was to be a recurring problem. When the colonies became more developed economically they did not intend to be used by the mother country as she wished. There was unrest in Canada in the thirties of the 19th century. By this time two things had happened. Britain had learnt that too rigid a control of colonies might lead to their loss; she had learnt the lesson of the American War of Independence. On the other hand, she had become the greatest industrial nation in the world. She was the first to start in the industrial race and was far ahead of others. She produced more goods more cheaply than any other country, and was anxious for commerce. As a result she gradually gave up her ideas of self-sufficiency within the Empire and accepted the principle of *free trade*. The most widely held theory at this time was that if there were no restrictions on trade by artificial duties trade would increase, thereby bringing about 'the greatest happiness of the greatest number'. Britain also discovered that by a policy of free trade she had more commerce with the former American colonies after their independence than when she imposed trade restriction before independence.

With all this experience, Britain met the problem in Canada in a different way. She sent out to Canada as Governor-General a man with bold and progressive views, Lord Durham. Having studied the problem carefully, Durham made certain recommendations about the administration of Canada to the British Government. His report of 1839, in which these recommendations were embodied, has come to be known as the Durham Report. Durham in fact suggested that the conflict between the Governor-General and the elected Assembly could be solved by establishing a Cabinet system of government with certain restrictions. The Governor-General was to cease to be responsible for the internal administration of Canada: this responsibility was transferred to a Cabinet having the confidence of the Assembly. The Governor-General was to remain responsible for external affairs, which meant mainly trade, defence and foreign relations.

This policy was put into operation in Canada and succeeded. As a result, wherever British settlers had established colonies of sufficient strength, the same policy was followed. This is how, by about the middle of the 19th century, the British colonies in Australia, New Zealand, South Africa and Canada were given a form of responsible government in internal affairs.

Even so, these countries were still far from full self-government. Although they had a great measure of autonomy in internal affairs, even in this sphere that autonomy was not complete. In several ways, the British Government kept some control over them. The British Parliament retained the right to pass laws for these countries, while the laws of the colonies were inoperative if they conflicted with laws passed by the British Parliament. The Governors of these colonies were still appointed by the British Government and they could exercise powers of veto and reservation over any proposed law. The British Government retained the power to disallow laws passed by the colonies, and also to change the Constitutions of the colonies. In the external sphere, the British Government retained full control over trade, foreign relations and defence.

From the time that a form of Cabinet government was established in the colonies until they reached full self-government they slowly but steadily increased their share of power. Naturally these settled colonies first wanted to increase their control over the affairs which mattered most to them. Gradually they established a tradition that the Governor should not veto or reserve bills which were of purely internal concern. The British Government rarely disallowed any bill passed by these colonies, in internal matters, therefore, the powers which the British Government possessed fell into gradual disuse. Only the power of the British Parliament to legislate for the colonies, and the absence of constituent power, remained in the internal sphere.

In external affairs, the colonies first demanded a share of those powers which affected them most closely. In the second half of the 19th century, the colonies were interested in their own economic development. That is why they gradually claimed some power in settling their trade relations with other countries, especially in the matter of tariffs. This claim was recognized by the British Government, although only in slow stages. To begin with, colonial representatives were allowed to be present at trade negotiations if their particular interests were involved; later they were allowed to participate, and finally to enter into their own external trade agreements.

In these early years the colonies were not anxious to control their own defence. The British navy, the most powerful in the world at the time, was able to defend the colonies adequately, while the colonies themselves were not rich enough to conduct their own defence. So long as the British navy ruled the seas no invader could succeed in conquering the British colonies. To demand control over defence would therefore have been pointless.

With the turn of the century, however, the situation changed considerably. Germany had become a great European power and was fast building up a powerful navy. She also had colonies of her own in Africa and in New Guinea and was looking for more. In view of the growing German power, certain colonies became 'defence conscious'. Partly because of foreign military power and partly because of economic advantage, the colonies decided to get together and form larger units wherever possible. In 1900, the Australian colonies formed themselves into a federation called the Commonwealth of Australia. By this form of government the Australian colonies retained some of the powers they had, and handed over other powers, which were of interest to all the colonies, to a federal government composed of representatives from all the colonies. Even before this, in 1867, the Canadian colonies had established a Canadian Federation. In 1909, the South African colonies established a Union of South Africa.

Soon after these developments came the First World War. In the war years 1914-1918 those British colonies which enjoyed some measure of self-government played an important part. Their troops helped to defend the great sea routes without which the mother country and the colonies would have been cut off from one another. It was made quite clear to the colonies that the time had come for them to participate actively in their own defence.

Wars arise when States fail to come to agreement by discussion, when they fail to negotiate with one another successfully. Yet wars are costly in men, material and happiness. The colonies which participated in the World War claimed some influence in international affairs because they could no longer keep aloof from them. Since they were called upon to take part in defence, they wished to play some part in international relations, the deterioration of which led to war. This was how these colonies became interested in external affairs.

In this sphere also, the British Government was willing to

concede some power to them. The experience of the war taught them that their interests were common. The colonies depended on British military and naval power to defend them in case of international war. Even so, they were anxious to participate actively in international affairs and to know about international developments, according to which the defence needs had to be met. The British Government agreed. Since they had common interests, the colonies would not get out of step with Britain. If these colonies increased their defensive forces in the light of international developments, it would be in the interest of the mother country as well. Besides, if countries having common interests with Britain became full members of international bodies, her interests as well as those of the colonies would be better looked after in their deliberations.

Soon after the war, the new outlook found its expression. The colonies sent their own delegates to the Peace Conference which followed. They became members of the League of Nations which was established after the war. They were recognized as distinct States in international bodies like the Court of International Justice. They also started the practice of entering into treaties with other countries without British participation. This practice was approved in a conference of the Prime Ministers of the now almost fully self-governing colonies held in 1923. Some of them asked for the right to have their own diplomatic representatives in foreign States, and this power was also granted.

Between the end of the First World War and 1926, therefore, many changes had taken place in the status of these colonies. The Imperial Conference of 1926 recognized these changes. While the international status of the settled colonies had almost reached statehood, they also desired to cooperate very closely with one another and the mother country. At the Imperial Conference of 1926 they agreed on a statement which safeguarded their international status while at the same time emphasizing their desire to cooperate with one another. This statement, which has come to be called the Balfour Declaration, stated that these countries were 'autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations'.

In spite of this agreement to be of equal status, there were still certain legal restrictions which had to be removed for the

status to be recognized in law. The Statute of Westminster was passed in 1931 to remove these restrictions. Since that Act, the colonies became, in law, fully self-governing countries.

The other British colonies started with different conditions.\* They were in tropical or semi-tropical regions populated by various different peoples. Some of them, as in Asia, were countries with great civilizations, and with ways of government, customs, manners and religions different from those of Britain. Others, as in Africa, were of a less developed nature. In any case the British did not come to these lands as settlers so much as traders and rulers. In the latter capacity they attempted to use as many as possible of the indigenous institutions, while keeping the ultimate power in their own hands. In the matter of government, therefore, the methods used were not as simple and direct as in the case of the colonies mentioned earlier. While in these 'settled' colonies representative institutions were established early, in the others the government remained autocratic. We noticed that, by the middle of the 19th century, every one of the settled colonies had representative institutions; in those that we are now considering it took much longer for this point to be reached. At first the Governors in these colonies ruled as autocrats subject only to control by the British Government. With time, the Constitutions of the larger colonies in Asia were drawn in such a way that, while the Governor retained full power, legislative bodies were created to help him. Invariably these bodies had a majority of Europeans in the early years, with a few local persons nominated by the Governor to serve in them. In other words, only a few members of the local population were associated with the government. It was not until the last years of the 19th century that some of these persons were permitted to be elected. Then gradually the numbers of elected persons were increased, until by the end of the first quarter of the 20th century there were elected majorities in some colonies. The Asian colonies took nearly a hundred years to reach the point which the settled colonies had attained soon after their establishment. While it was assumed that settled colonies had a right to representative institutions because their inhabitants carried with them the 'inherent rights of Englishmen',

\* The British West Indies are an exceptional case. Though at first they were colonized by English settlers, the development of the sugar industry resulted in the growth of big estates worked by African slave labour, driving the English small-holders and labourers to emigrate to North America. This and their meagre resources have combined to keep the British West Indies as colonies.

the Asian colonies had to agitate continuously to obtain the same rights more than a hundred years later

That agitation came about largely because of the economic development of these countries, through which their feudal economy was gradually broken up and a money economy took its place. A middle class of educated and economically well-to-do people grew up and claimed the right to self-government. They formed national organizations to agitate for self government and slowly but gradually made the British Government concede their demands.

While the Asian colonies were winning the right to representative institutions, the colonies mentioned earlier were winning the right to self-government. Soon after the former succeeded in obtaining representative institutions they demanded that they be given the powers which the 'white' colonies had already acquired. While in the case of the 'white' colonies representative institutions were granted quickly, in the Asian colonies they were granted slowly, but once they had been granted, self-government came without much delay. In the case of Ceylon, for instance, representative government came in 1924 and semi-responsible government in 1931. In the case of the sub-continent of India, some measure of representative government came in 1909 and semi-responsible government in certain spheres came in 1919. In both India and Ceylon these concessions were surrounded by many safeguards, but the first step had nevertheless been taken. Once power is granted, in however small a measure, the tendency is for it to grow, this was the case with the Asian colonies. They were not satisfied with small quantities of power. Economic, political and social developments in these countries made the people demand national independence. Where it was not granted quickly enough, the leaders resorted to civil disobedience, as in India, or co-operation with the enemy, as in Burma in the Second World War. For many reasons, which cannot be discussed here for lack of space, the British Government decided to grant Dominion Status to India, Pakistan, Burma and Ceylon soon after the Second World War. Burma decided to leave the Commonwealth of Nations, whereas India, Pakistan and Ceylon joined the other Dominions in the Commonwealth. All these countries had reached what we have come to call Dominion Status. The legal restrictions from which the 'white' colonies still suffered had been removed by the Statute of Westminster. In the case of the Asian members of the Commonwealth, the

legal restrictions were removed by a series of Independence Acts. In the case of Ceylon the operative Act is the Ceylon Independence Act of 1947.

**The Meaning of Dominion Status.** Dominion Status gives equality of status to all the self-governing members of the Commonwealth, although each member may enter into special arrangements with Great Britain to regulate their particular relationships. It thus expresses the position which any member can enjoy, subject to special arrangements which a member may voluntarily enter into. It gives to each and every member full power to be independent both in internal and external matters, while at the same time it emphasizes the special element of cooperation which exists among all the members.

We noticed earlier that these countries were not self-governing so long as the British Government exercised any control over them. We noticed also that the United Kingdom relinquished these powers in the case of the 'white' Dominions in 1931 and in the case of the Asian Dominions in 1947 and 1948. As a result, therefore, these countries possess complete internal and external power. Yet some of the forms through which Great Britain controlled these countries have been retained, while the power which is exercised through these forms has been transferred to the people in the countries themselves. In all the members of the Commonwealth except India, the government is carried on by the Queen represented by a Governor-General and her Parliaments in these countries. Before Dominion Status was obtained, the Governors or Governors-General, as the case might be, were appointed by the King or Queen on the advice of the British Government, and the powers which they exercised, such as veto and reservation, were exercised on behalf of the British Government. The King or Queen disallowed laws of the colonies on the advice of the British Government. Now, however, the Queen will not act on behalf of a Dominion except on the advice of the Dominion Ministers, and the Governors-General are appointed to the various Dominions on the advice of their respective Prime Ministers. The Governors-General still have the power to veto bills, but this would be done on the advice of Dominion Ministers. Any power which is formally retained in the hands of the Queen or the Governors-General is exercised according to advice from Dominion Ministers. This is how the control which the British Government exercised over the members of the Commonwealth before Dominion Status has



been given up without changing the forms which may still be useful

The British Government also gave up all the power which it exercised through direct legislation. The British Parliament cannot now pass any law to operate in a Dominion except with the request and consent of the Dominion concerned. It is thought that it may be useful for the British Parliament to retain some power to legislate with the consent and request of the Dominions in certain cases such as copyright laws, which are matters of little political consequence but of great convenience.

In other internal matters the Dominions have been given complete power. They have full constituent power and the right to enforce their laws on their subjects even outside their territorial boundaries. There would, in fact, be no need to mention these two things but for the fact that they were not within their control until complete Dominion Status was achieved.

In external affairs, too, the Dominions have all the attributes of independent nations. They can receive and appoint Ambassadors to foreign States, enter into treaties with any foreign country, and recognize or refuse to recognize new States. They can remain neutral in times of war, and can wage war and make peace of their own accord. They can join any regional grouping of countries if they so desire. They need not, if they do not wish to, remain in the Commonwealth. Members of the Commonwealth have exercised all these powers except that of waging war on their own.

**Commonwealth Cooperation** In spite of all these powers, Dominion Status emphasizes the desire to maintain a close cooperation among the member countries. There are many formal and informal arrangements which are the result of this desire. All the member countries except India accept the British Queen as their Queen as well, Queen Elizabeth II is Queen of Great Britain as well as Queen of all the member countries except India. India being a republic, has no Queen, but she recognizes the Queen as the Head of the Commonwealth. In order to express this cooperation in external matters, the chief representative of a Dominion in another member country is not called an Ambassador but a High Commissioner. Thus we have in Ceylon a High Commissioner for Britain but an American Ambassador.

It is not only in formal ties like these that member countries cooperate. There has been established a machinery of consultation

to bring about cooperation. Firstly, there is direct correspondence between governments. Each member government has a Minister responsible for External Affairs. In Ceylon he is the Prime Minister. The Ministers for External Affairs in the member countries keep a continuous correspondence by means of dispatches, letters or telegrams.

There are also the High Commissioners whom we mentioned earlier. Although they are called High Commissioners, they perform functions similar to those of Ambassadors. In every member country, the governments keep the High Commissioners informed of all international matters of Commonwealth concern. During the Second World War the Secretary of State for Dominion Affairs in the United Kingdom had almost daily conferences with the Commonwealth High Commissioners. By this means the various member countries are continually kept informed of all developments of Commonwealth interest.

Another method of maintaining close contact is through Commonwealth conferences. These are fairly frequently held, either between the Commonwealth Prime Ministers or between other Commonwealth Ministers such as Finance Ministers. These meetings are purely for the exchange of ideas and their resolutions do not bind the governments, but they provide opportunities for discussing matters connected with foreign policy, defence, finance, and Commonwealth relations. The decisions taken at these meetings, although of no legal validity, carry great weight with the member governments, who often take action to implement them. They have played a very important part in maintaining the unity of the Commonwealth.

The member countries sometimes hold technical conferences, and there are various technical committees, some of them with permanent officers, e.g. the Commonwealth Shipping Committee, the Executive Council of the Commonwealth Agricultural Bureau, the Empire Forestry Conference, and so on. Special meetings are also arranged on occasion to discuss specific problems that the member countries may be faced with. One such meeting was the Commonwealth Conference on Nationality and Citizenship.

There are also various channels of cooperation which are not official. The Empire Parliamentary Association is one, through which information on parliamentary affairs of the various countries may be exchanged. Bodies like the Royal Empire Society and the Empire Press Union also provide places of contact, while non-official bodies like the Hansard Society publish material on Commonwealth Parliamentary affairs. Thus in

a wide variety of ways member States cooperate with one another on political, economic, social, educational and cultural matters

While Dominion Status implies independence in internal and external affairs, it also implies Commonwealth cooperation. It implies that member States are associated in some measure of closeness and are willing to remain so.

There are many reasons why member countries wish to remain in the Commonwealth rather than leave it soon after receiving Dominion Status. The reasons have varied from period to period and are sometimes different from country to country. The 'white' Dominions are peopled largely by emigrants from Britain and therefore retain a sentimental link with the mother country, there are strong traditional, cultural and linguistic links between them and Britain which these Dominions have no desire to break.

Sentimental reasons alone, however, could not have kept the Dominions in close cooperation with Britain, the United States of America, with similar links, broke away and gave all their attention to their own problems. Economic and defence ties are of equal, if not greater, importance. The 'white' Dominions at the time of reaching Dominion Status had economies which were complementary to Britain's, although they had developed certain industries of their own as well. Britain was the largest market for the food and raw materials which they produced and was also the largest exporter of the goods they needed. The industries that they developed did not appreciably affect this position. Militarily also they depended for their defence to a large extent on Britain, for at that time the United States of America had gone back to her policy of 'isolationism' or non-involvement in the affairs of Europe—which for centuries had been the chief trouble-spot of the world.

There is also the common tradition of political institutions. Parliamentary government and the spirit of liberalism, which involves tolerance and civil and political liberty, are the common political inheritance which all these countries value. It is therefore a combination of sentiment, common political institutions and self-interest which has kept these Dominions close to Britain even after they obtained autonomy.

The Asian member countries who joined the Commonwealth in 1947 and 1948 share some of these as well. They have no common feeling of race or religion, but they have the sentiment of having been associated together for years and they have forgotten some of the scars of that association. The common ground of political institutions is there. The leading personalities

in these countries have a common linguistic link in the English language and are loath to part with it. Ceylon, in addition, has a defence agreement with Britain which the Ceylon Government believes to be to our advantage. The Asian members also still have strong economic ties, especially with Britain. In fact the various members of the Commonwealth, some of whom have little in common with each other, all have close links with Britain and are thus held together in cooperation. This is why Great Britain is the centre of the Commonwealth in more senses than one.

Even so, there are some people in the various countries who are not happy either about remaining in the Commonwealth or about the way the Commonwealth is developing. There are some who, while anxious to see the Commonwealth prosper, yet foresee many difficulties in its way. They feel that the Commonwealth is losing that commonness of purpose and interest which was its strength and life, and that the member States no longer have the common foreign policy which they formerly had. Britain and the 'white' Dominions have chosen to follow the bloc of Western nations led by the U.S.A., while India, in particular, wishes to pursue an independent policy. Naturally, therefore, there cannot be a common interest in defence. Various members are associating in regional groups with non-Commonwealth countries. The close trade connexions among the member countries are being reduced by the diversification of export and import trade. All this, they feel, may one day weaken the Commonwealth to the point of annihilation.

There are others in certain member countries who feel that their countries should leave the Commonwealth. South Africa has been considering this question for many years now. The attitude of the British Government and that of the white South Africans to the question of the future of the other South African peoples are so conflicting that many South Africans, especially those of Dutch descent, are seriously considering whether to leave the Commonwealth. Meanwhile in Ceylon and India certain political parties feel that membership of the Commonwealth is not in keeping with their recently-won independence; if these parties were to come into power they would leave the Commonwealth. With these tendencies weakening it, one cannot predict with safety what the future of the Commonwealth will be. But in any case there is no doubt that it is a unique association of widely different countries and one of the most remarkable that the world has yet seen.

## CHAPTER XIV

# INTERNATIONAL GOVERNMENT

FROM the beginnings of known history, human beings have been living in groups. They gathered together in clans where kinship was the bond of unity. Some of these groups earned their living by hunting and fishing, others by a settled agricultural life. In the course of centuries human beings gradually increased their mastery over nature, and their forms of political organization also became more and more developed. At one stage towns grew up when human beings had learned enough to be able to produce a surplus of food, for this allowed some of them to engage in activities other than food production. In fact the whole history of civilization is the story of how human beings have increasingly developed their control over nature so that the gap between human life and animal life, in which the obtaining of daily food is the essential feature, has widened continuously.

During the early history of civilization, villages, counties and towns were the units of human living. Even where kings ruled over a large number of towns, the control they exercised was comparatively slight. These units of human living paid homage and tribute to the kings, who in the nature of the circumstances left village life and town life much as they were. When great military commanders like Gengiz Khan or Alexander brought more territory under their supremacy, it was generally lost after the great leader's death, and the basic units of organization remained the same as before.

The reason for this is a very simple one. The size of the basic political organization can only be the size of the community. The most noteworthy feature of human civilization, however, is that with time, as human beings increased their control over nature, they began to establish connexions in larger groups. For instance, as European peoples in the early modern period increased their mastery over nature, they began to conceive of themselves as larger communities than villages or towns. Although at one time an Englishman of one town was considered a foreigner in another English town, with time all Englishmen began to think of themselves as one large community—a nation. In the 15th and 16th centuries, the idea of nationhood spread to many European countries. Their political organizations

became nation States transcending the narrow local loyalties of an earlier period. Geographical position, language, religion, race, history, tradition, economic circumstances and social conditions were some of the factors which made people think in terms of nationalism, and feel that they belonged to larger communities. So, when the size of the community increased, the size of the political organization also increased to become the nation State. These early nation States began to engage in activities which were intended to help their own people. They engaged in commerce and in the establishment of colonies and military outposts, and also in propagating their own religions and cultures. While they organized themselves politically into these larger units called nation States, they also engaged in activities which brought them into closer and closer contact with other peoples. These contacts were often not peaceful. Other peoples were conquered by force of arms and subjected to their rule, and their lives were so ordered as to serve the needs of the conquering countries. The nation States also engaged in war among themselves for the right to control the territories of other peoples.

During the course of these contacts, spread over nearly five centuries, several things happened. Peoples who went out of their own homelands and settled in new ones themselves developed the idea of nationalism. Like the United States in 1787, they established new nation States. In other countries, such as Germany and Italy, small political units combined to form larger communities, and became nation States. In the case of conquered peoples, they revolted against the rule of foreigners and established their own nation States: this was the case in the countries of South America and Asia. One of the chief features of the last few centuries, then, is the development of nation States. The process is by no means complete; in Africa, for instance, it is still going on. But the point to remember is that the basic unit of political organization has come to be a larger one than before. The reason is that, owing to improved methods of communication, larger groups of people have come to think of themselves as communities.

**The Need for World Government.** While the unit of political organization has grown larger, humanity has not remained idle, and its control over nature has continued to increase. This has made communication even easier, and thus association and contact between peoples of different political units—that is,

different States—has also tended to increase. The important point is that, just as the units of political organization grew into nation States because the people living in these areas became single communities, so too the association and contact among the peoples of these different States has increased so much that many people are beginning to think that all human beings belong, or will very soon belong, to a single world community.

By this they do not mean that people should have no loyalty to their national communities. Just as we in our country can have village, town and estate communities and also a larger national community, it is argued that, while not denying the value of the national communities, we should recognize the growing world community.

There are many arguments brought forward to show us the fact that we are really a world community. In economic matters, for instance, the world is one. When we studied the way in which we in Ceylon earn our living, we noticed that our standard of living depends to a large extent on world prices for our exports and imports. This is true of almost every country in the world and the people of the whole world therefore stand to gain by cooperating with one another in economic matters. Economists tell us that all the countries of the world are so closely in contact with one another with regard to the way humanity earns its living, that it is dangerous to ignore the conditions of one part of the world simply because the conditions in another part are better. They argue that 'poverty anywhere is a threat to prosperity everywhere'. To take an example from our own country, the people of Colombo would be foolish if they thought that, since they themselves were comfortable economically, they need not bother about the poverty in the Kandyan districts, for in the long run that poverty might spread to Colombo. In the same way, it is thought, the economic prosperity of every human being depends on the cooperation of the whole world.

In matters of culture and civilization, too, the whole world is one. The cultural wealth of the whole human race can now be known and enjoyed by people of every country. Persons belonging to many diverse races and nations have contributed to this fund of the world's culture. We do not fail to appreciate and enjoy the paintings of Leonardo da Vinci because he was an Italian, nor of Gauguin because he was a Frenchman. Much of the best music has come from Germany, much of the best ballet from Russia, literature from France and England, and

philosophy from both Europe and Asia. We have not yet had the opportunity of discovering all the contributions of the African peoples; when we have, the world's fund of culture will be even greater. In fact, in the world of today, there is hardly anything which would be what it is if it were not for the contact of different peoples. Law and politics, religion and philosophy, manners, habits and ways of social intercourse, ways of earning a living—all of them show the influence of international contact.

Yet there has been no better way of bringing to our notice the fact of the world community than its failure to live in peace. Wars have been fought since the beginning of written history; vast armies have overrun lands and laid them waste. Yet none of these wars, until the 20th century, affected the whole world. None caused so much destruction to society as the two world wars which have been fought in this century. While earlier wars were less destructive than modern ones, human beings until recently were not sufficiently developed politically to be able to set up a world association to try to solve conflicts peacefully. In short, while the sense of the community of the world has increased, while the need for it has been more and more emphasized, the price of its absence has become too high for humanity to pay. Daily that price is becoming greater as the ingenuity of man finds more powerful methods of destruction. In the world of today, then, we can see several important features. Economically, culturally and socially the world is fast becoming a single community. Only by cooperating can human beings hope to improve their lot.

In whatever community a group of people may live—whether local, national or international—in living together they come into contact with their fellow men. It has been found that if certain things are done according to a pre-arranged plan, it is to the convenience of everyone. In the case of a national State, for instance, we found that traffic regulations are convenient for every member of the State. Whether we decide to drive vehicles on the right hand side or the left hand side does not matter in the least so long as all of us agree to do the same thing. In the international community also there are things of this kind; for instance, it is to the convenience of everyone to have a world-wide agreement regarding posts and telecommunications. The world community has found several instances of this sort where an agreed regulation is useful to the whole world. Agreement on such things as postal services, copyright, etc. has been easy



because every State realized that it has nothing to gain by refusing to agree to such regulations

Agreement on other things which are useful to a community, such as the development of resources for mutual benefit and the maintenance of law and order, has, however, been very difficult. In a national State, similar problems have been solved by giving the State complete power to act in the way of regulating and controlling the persons living within it. Political scientists call this power *sovereignty*. Every State has sovereignty. If a world political organization is to be established, it can only be effective if it has power to develop international resources for the benefit of everyone and the power to maintain law and order. This can be done only if the national States give up some of their complete power. Just as a national State cannot maintain law and order if every local community such as a village or a town has complete power, so a world authority cannot maintain law and order if national States have complete sovereignty. If the world authority is to have sovereignty, then the national States must surrender some of theirs.

This is where the real difficulty comes. While all States realize the fact of the world community and see the need for international law and order, some of the national States—especially the more powerful ones—are not willing to give up their sovereignty to a world authority. The result is that those who were keenly interested in the establishment of an international political organization had to prepare schemes whereby the national States did not lose their sovereignty by participating in it.

**The League of Nations** The first scheme of a really world-wide character which was accepted and put into operation was the League of Nations, which was established soon after the First World War (1914-1918). The League was a rudimentary world political organization—rudimentary because it lacked the complete power which a fully developed political unit should possess, namely sovereignty. It failed, but it was an experiment which showed the direction in which the world was moving.

The League of Nations established several instruments to carry out its purposes. Firstly there was the Assembly, which consisted of representatives of all the member States. Membership was given to States, so that the League was an inter-State association rather than a world government elected by the whole of the human race. Besides, not all the countries of the world were members. The U.S.A. refused to join, Soviet Russia was

not admitted till 1934 ; several other members left from time to time. Yet it was the largest association ever formed in the history of the world. The Assembly was the deliberative body of the League, while the Council was its executive. The latter consisted of five permanent members and nine non-permanent members. The permanent members were the representatives of the Great Powers, while the others were elected for a certain number of years. There was a Secretariat, which was an international public service owing loyalty to the League, and a Court of International Justice, whose function was to try disputes of a legal character between nations.

The States which became members of the League accepted certain obligations. They agreed not to go to war in order to settle disputes. They agreed that, if any disputes arose among themselves, they would seek the help of the League and its agencies to settle them peacefully. If the dispute were of a legal character they agreed that it should be subject to arbitration or judicial settlement. If the dispute should be of a political, economic or otherwise non-legal character, it would be submitted to the Council, which would then try to reach a peaceful settlement of the dispute. Failing that, the Council would make a full report on its inquiry. The member States agreed not to resort to war until three months after a decision or a report by one of the bodies of the League.

The members of the League also agreed that penalties should be provided for those who broke their pledge of not resorting to war. These were called *sanctions*. The members agreed that if any country became an aggressor, that country should immediately be subjected to an economic boycott by breaking off all trade and financial relations with it. If this was found inadequate, the Council had the duty of recommending to the governments of the member States what military, naval or air forces they should contribute towards joint military action against the offending country.

The League also established the International Labour Organization. This consisted of representatives from the governments of the member States as well as representatives from workers and employers, and its functions were to make recommendations to the governments on how to improve working conditions throughout the world. The employment of children, the conditions of employment of women, social insurance, industrial health, forced labour, working conditions of seamen, etc. were some of the problems which the International Labour

Organization was expected to consider. This was because the League felt that world peace depended to a great extent on the establishment of fair social conditions in every country and the economic security of men and women throughout the world.

In the first ten years of its existence the League succeeded in performing several valuable functions. Various efforts were made to 'outlaw' war. The Kellogg Pact of 1928 was one of these, every signatory to this pact (which included almost all the States) agreed to repudiate war and seek peaceful settlement of disputes. In 1921 a conference was held in Washington as a result of which all the States concerned with the Pacific region agreed to a substantial reduction in the size of their navies. The League also settled various disputes among small powers fairly successfully. Disputes between Italy and Greece in 1923, and between Greece and Bulgaria in 1925, were settled by the League. It also helped to organize Danzig as a 'free city'.

Soon after this, however, the League came upon bad times. The Disarmament Conference of 1932 and the World Economic Conference of 1933 were failures. In 1933 Germany withdrew from the League and announced her intention to re-arm in defiance of the Treaty of Versailles. In 1935 Italy invaded Ethiopia, but the League's sanctions against Italy were so half-hearted that little came out of them. In 1936 Germany re-occupied the Rhineland contrary to the Locarno Pact. From 1936 to 1939 Italy and Germany helped the fascist rebels under Franco in their struggle to overthrow the democratic government of Spain. Against all these the League protested, but its protests were of no avail.

The reasons for the failure of the League are not difficult to find. The power and the procedure of the League were both inadequate to enable it to take effective measures by which a peace-breaking State could be punished. A majority of the Assembly or of the Council could not impose its will on any State. Since all the States retained full sovereignty, each State had to agree to implement any decision taken by the League affecting its own territory. In effect, therefore, action was only possible when there was unanimity of all, including the offending member State.

Partly the failure of the League was due to its lack of will to enforce law against the offending States. That lack of will was to a considerable extent the result of circumstances. After all, if we consider the case of any modern State, we know that individuals obey the law partly at least because they know that

the resources at the command of the State to punish them are so large. A fight between the State and an erring individual is bound to end in a victory for the former, because the difference between the strength of the State and that of the individual is so large. In the world situation under the League it was not so. The trouble-making States—Germany, Italy and Japan—were so powerful that all the other States combined ran a risk of being defeated in a war with them. In the long run international law and order can be maintained only if the world authority has great power while the erring party has little. Otherwise, the price of maintaining law and order will be a conflict so vast as to defeat the aim. When the second World War was started in 1939 by Germany, later supported by the other fascist powers Italy and Japan, the League was completely helpless. It met for the last time in 1940 and merely made its weakness more evident.

Though the League had failed, the need for an international political organization to prevent war became more urgent. In the second year of the war, therefore, the President of the U.S.A. and the Prime Minister of Great Britain proclaimed what they hoped would be the basis for future world harmony. This declaration of principles has come to be known as the Atlantic Charter. The Atlantic Charter of 1941 laid down eight principles. These were that after the war there should be no territorial aggrandisement; that no territorial changes should be made unless they were according to the freely expressed wishes of the peoples concerned; that every people should have the right to choose the way they wish to be governed; that all States should be given free access to the trade of the world; that all States should cooperate for the economic improvement of the world; that the peace which would follow the war should be such that every individual should be able to live free from fear and free from want; that there should be freedom of the seas for peaceful traffic; and that all nations must abandon the use of force.

**The United Nations Organization.** In 1942 the principles of the Atlantic Charter were adopted and accepted by the U.S.A., the U.S.S.R., Great Britain, the Commonwealth nations, the European nations allied to the Democracies, and the Central American nations. In 1943 the heads of the Great Powers met in Moscow, and at that meeting it was decided to establish an international organization to maintain world peace and

encourage world cooperation. In 1944 representatives of the U.S.A., the U.S.S.R., Britain and China met at Dumbarton Oaks to draft a plan for this project. A full conference on these proposals was held in San Francisco in 1945 and the outcome of that conference is the Charter of the United Nations Organization.

The United Nations Organization (UNO) has been established for several purposes. Firstly its purpose is to 'maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace'. Secondly its purpose is to 'develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace'. Thirdly it is to 'achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'; and fourthly, 'to be a centre for harmonizing the actions of nations in the attainment of these common ends'. Broadly speaking, therefore, the purposes of the United Nations Organization are to maintain international law and order and to promote international cooperation in the economic, social, cultural and humanitarian aspects of life.

In order to carry out these functions UNO has chosen several instruments, the widest of which is the General Assembly. The General Assembly consists of all the members of UNO, each member being entitled to send up to five delegates. It is in a way a kind of World Parliament, though this is not really true because it does not possess all the power of a Parliament. Even so, it is a body for forming opinion, for discussion and advice. It can discuss any matter included in the Charter, or any matter which may be within the scope of any other organ of UNO. It can discuss any matter relating to world peace which is brought before it, whether by the organ specially charged with that responsibility (i.e. the Security Council) or by a State, whether a member of UNO or not. It can make recommendations to any of the above-mentioned parties. It is in fact the deliberative and recommending body of the United Nations Organization.

It is also charged with the duty of considering and approving the budgets of the various UNO organs. The expenses of these organs are borne by the members according to an apportionment which was agreed to by the members. According to the Charter a member who is in arrears for two years will have no vote unless the Assembly feels that the failure is due to reasons beyond the control of the member concerned.

Within the framework of the General Assembly several other agencies or organs have been established to carry out the basic purposes of UNO. Of these the Security Council is the most important and most powerful. Its function is to maintain international peace and security. Its duties are to prevent war anywhere and to prevent a dangerous situation from leading to a war. The only way to do this is for the Security Council to be continually watchful and to meet any offender with overwhelming force.

The Security Council is therefore in continual session. States having representation in the Security Council have permanent members staying at the UNO headquarters. It is thus a kind of Cabinet of international government. The members of the Security Council are chosen with reference to several important political considerations. Firstly the five Great Powers are given permanent seats in the Security Council. At the time of the formation of UNO they were the U.S.A., the U.S.S.R., the United Kingdom, France and China. Since then the mainland of China has established a Communist government, while the body of persons who originally chose the Chinese representatives to the Security Council has been driven into the small island of Formosa. Even so, at the time of writing (June 1955) the latter group continues to send the Security Council representative on behalf of China. This is due to certain considerations which are likely to change, and there is no doubt that with time the permanent membership of the Security Council will be given to the Great Powers both in fact and in law.

Apart from the permanent members, the Security Council includes six non-permanent members. The General Assembly is given the task of electing the six non-permanent members at two-yearly intervals. In doing so the Assembly is required to consider the 'contribution of the different members to the maintenance of international peace and security' as well as a fair geographical distribution. The intention is that, when the non-permanent members are elected, they should be such as to represent the main geographical regions into which the world can be divided.

There are certain rules which the Security Council has to follow in carrying out its functions. Each of the members, permanent and non-permanent alike, has only one vote. On procedural matters an affirmative vote of seven is sufficient for action. This means that, if any seven members vote for it, the others, permanent or otherwise, cannot prevent the discussion of a dispute or of a situation which threatens peace. Yet if the Security Council wishes to investigate such a dispute or make recommendations to the parties to it, then such a decision must be approved by at least seven votes, including the votes of all the permanent members. However, if a permanent member is a party to a dispute such a member is expected to abstain from voting. Yet, in the last resort, if the Security Council wishes to apply sanctions against any State, the favourable votes of all the permanent members are necessary even if one or more of them is a party to the dispute. This means that the Security Council cannot act in an effective way except by the unanimous agreement of the Great Powers.

If, however, the Security Council has decided to act in the manner stated above, the UNO Charter provides that all the members of the UN should carry out its instructions. The sanctions which the Council can apply may be diplomatic, economic, social or military, and may include a complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the breaking of diplomatic relations. They may also include 'demonstrations, blockade and other operations by air, sea or land forces' of the members of the United Nations Organization.

The second basic function of international cooperation in economic, social and cultural matters is in the hands of the Economic and Social Council. UNO aims at promoting higher standards of living, full employment, economic and social progress, cooperation in solving economic, social, health and cultural problems and the observance and protection of human rights. The Economic and Social Council is in charge of all this. For the better performance of these functions, UNO has established specialized agencies such as the International Labour Organization (ILO), the Food & Agricultural Organization (FAO), the World Health Organization (WHO), the United Nations Educational, Scientific & Cultural Organization (UNESCO) and the International Bank for Reconstruction and Development. There were also in existence, prior to the

establishment of UNO, organizations such as the International Bureau for Postal Services, Patents and Copyright. The work of all these specialized agencies is coordinated by the Economic and Social Council. This Council consists of eighteen members elected by the Assembly; the members hold office for three years, six being elected each year. No special consideration is given to the Great Powers and decisions are taken by a simple majority.

Parallel with the Economic and Social Council is another organ called the Trusteeship Council, whose duty is to supervise the way in which the various States are governing the Trust territories. After the First World War, the colonies of the defeated countries (Germany and Turkey) were taken away from them and put under the administration of other countries. The latter were expected to govern them in such a way as to develop them gradually towards independence. After the last war a similar development took place with regard to the Italian and Japanese colonies. These territories, and such other colonies as might be voluntarily placed under it, were brought under what is called the International Trusteeship system. All territories under trusteeship are placed under the general supervision of a Trust which may consist of one or more independent States. The Trusteeship Council is to supervise the administration of these trust territories in particular, and of all non-self-governing territories in general, with certain principles in view. These principles are to maintain international peace and security, to encourage respect for human rights and fundamental freedoms, to promote development towards self-government and to ensure equal treatment in social, economic and commercial matters for all members of UNO. In order to put these principles into practice the Trusteeship Council can consider reports of the administering States, accept petitions and examine them and provide for periodic visits to Trust territories at times agreed with the administering States.

All these functions of the United Nations Organization need a large number of officials and an organization to get orderly results from the work of the officials. It is for this reason that UNO has provided for a Secretariat. The Secretariat is really an international public service, and at its head is the Secretary-General of UNO. Like the public service of a national State, the UNO Secretariat performs those functions without which no decisions can be carried out. Briefly, it collects information, prepares it for submission to the respective organs, arranges for



their meetings, records their decisions and carries them out. This is indeed a big task, and is bound to grow bigger as the activities of the United Nations Organization increase.

Like any other political organization, UNO needs a judicial organ, this service is performed by the International Court of Justice. The Court consists of a body of independent judges chosen for their moral character and integrity, irrespective of their nationality. Its functions are, however, limited to judging disputes between States—disputes, that is, which are of a legal character—and to giving legal opinions on matters submitted to it by the General Assembly or the Security Council. The existence of the International Court of Justice does not prevent members of UNO from seeking solutions to legal disputes by means of other tribunals, but the Court is the highest judicial body of the United Nations.

These, then, are the means by which the United Nations hope to maintain international peace and promote international co-operation. Every right-thinking person wishes the United Nations Organization to succeed in its mission. There can be no doubt that a greater measure of success would be assured if the United Nations Organization were a real World State, with a World Government. UNO is not a State but only an association of States, yet it is an association far more powerful than its predecessor, the League of Nations. We noticed earlier that the League could not act except by the agreement of all the members. Those States which wished to act on their own could leave the League, as Germany and Japan did. The United Nations Organization provides for no withdrawal, and in any case has the power to act against a State which is not a member. Its power to act needs no unanimous approval of all the members, but that power is limited by the need for the unanimous consent of the Great Powers. As a result, peace can be maintained only if the Great Powers desire it, but peace is too valuable a thing to be left to the decision of a few States, however great they may be. In the last resort the whole world has to pay the price of war, and therefore the whole of mankind, internationally organized as individual human beings, ought to decide how to maintain the peace of the world.

## APPENDIX I

# DEFENCE AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CEYLON

### UNITED KINGDOM—CEYLON

#### *Defence Agreement*

WHEREAS Ceylon has reached the stage in constitutional development at which she is ready to assume the status of a fully responsible member of the British Commonwealth of Nations, in no way subordinate in any aspect of domestic or external affairs, freely associated and united by common allegiance to the Crown ;

AND WHEREAS it is in the mutual interest of Ceylon and the United Kingdom of Great Britain and Northern Ireland that the necessary measures should be taken for the effectual protection and defence of the territories of both and that the necessary facilities should be afforded for this purpose ;

THEREFORE the Government of the United Kingdom and the Government of Ceylon have agreed as follows :

1. The Government of the United Kingdom and the Government of Ceylon will give to each other such military assistance for the security of their territories, for defence against external aggression and for the protection of essential communications as it may be in their mutual interest to provide. The Government of the United Kingdom may base such naval and air forces and maintain such land forces in Ceylon as may be required for these purposes, and as may be mutually agreed.

2. The Government of Ceylon will grant to the Government of the United Kingdom all the necessary facilities for the objects mentioned in Article 1 as may be mutually agreed. These facilities will include the use of naval and air bases and ports and military establishments and the use of tele-communication facilities, and the right of service courts and authorities to exercise such control and jurisdiction over members of the said forces as they exercise at present.

3. The Government of the United Kingdom will furnish the Government of Ceylon with such military assistance as may from time to time be required towards the training and development of Ceylonese armed forces.

4 The two Governments will establish such administrative machinery as they may agree to be desirable for the purpose of cooperation in regard to defence matters, and to co-ordinate and determine the defence requirements of both Governments

5 This Agreement will take effect on the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force

Done in duplicate, at Colombo, this eleventh day of November 1947

Signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland

HENRY MOORE

Signed on behalf of the Government of Ceylon

D S SENANAYAKE

# EXTERNAL AFFAIRS AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CEYLON

UNITED KINGDOM—CEYLON

*External Affairs Agreement*

WHEREAS Ceylon has reached the stage in constitutional development at which she is ready to assume the status of a fully responsible member of the British Commonwealth of Nations in no way subordinate in any respect of domestic or external affairs, freely associated and united by common allegiance to the Crown

AND WHEREAS the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ceylon are desirous of entering into an agreement to provide for certain matters relating to external affairs

THEREFORE the Government of the United Kingdom and the Government of Ceylon have agreed as follows

1 The Government of Ceylon declares the readiness of Ceylon to adopt and follow the resolutions of past Imperial Conferences

2. In regard to external affairs generally, and in particular to the communication of information and consultation, the Government of the United Kingdom will, in relation to Ceylon, observe the principles and practice now observed by the Members of the Commonwealth, and the Ceylon Government will for its part observe these same principles and practice.

3. The Ceylon Government will be represented in London by a High Commissioner for Ceylon, and the Government of the United Kingdom will be represented in Colombo by a High Commissioner for the United Kingdom.

4. If the Government of Ceylon so requests, the Government of the United Kingdom will communicate to the Governments of the foreign countries with which Ceylon wishes to exchange diplomatic representatives, proposals for such exchange. In any foreign country where Ceylon has no diplomatic representative the Government of the United Kingdom will, if so requested by the Government of Ceylon, arrange for its representatives to act on behalf of Ceylon.

5. The Government of the United Kingdom will lend its full support to any application by Ceylon for membership of the United Nations, or of any specialized international agency as described in Article 57 of the United Nations Charter.

6. All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth in so far as such Instrument may be held to have application to Ceylon devolve upon the Government of Ceylon. The reciprocal rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Ceylon shall henceforth be enjoyed by the Government of Ceylon.

7. This Agreement will take effect on the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force.

Done in duplicate, at Colombo, this eleventh day of November 1947.

Signed on behalf of the Government of the United Kingdom  
of Great Britain and Northern Ireland

HENRY MOORE

Signed on behalf of the Government of Ceylon  
D. S. SENANAYAKE

# PUBLIC OFFICERS AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF CEYLON

## UNITED KINGDOM—CEYLON

### *Public Officers Agreement*

THE Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ceylon have agreed as follows

1. In this Agreement :

' Officer ' means a person holding office in the public service of Ceylon immediately before the appointed day, being an officer—

(a) who at any time before the 17th day of July, 1928, was appointed or selected for appointment to an office, appointment to which was subject to the approval of a Secretary of State, or who, before that day, had entered into an agreement with the Crown Agents for the Colonies to serve in any public office for a specific period, or

(b) who on or after the 17th day of July, 1928, has been or is appointed or selected for appointment (otherwise than on agreement for a specific period) to an office, appointment to which is subject to the approval of a Secretary of State; or

(c) who, on or after the 17th day of July, 1928, has entered or enters into an agreement with the Crown Agents for the Colonies to serve for a specific period in an office, appointment to which is not subject to the approval of a Secretary of State, and who, on the appointed day either has been confirmed in a permanent and pensionable office or is a European member of the Police Force,

' the appointed day ' means the day when the constitutional measures necessary for conferring on Ceylon fully responsible status within the British Commonwealth of Nations shall come into force;

' pension ' includes a gratuity and other like allowance

2. An Officer who continues on and after the appointed day to serve in Ceylon shall be entitled to receive from the Government of Ceylon the same conditions of service as respects remuneration, leave and pension, and the same rights as respects

disciplinary matters or, as the case may be, as respects the tenure of office, or rights as similar thereto as changed circumstances may permit, as he was entitled to immediately before the appointed day, and he shall be entitled to leave passages in accordance with the practice now followed ; but he shall not be entitled to exemption from any general revision of salaries which the Government of Ceylon may find it necessary to make.

3. Any Officer who does not wish to continue to serve in Ceylon, being an Officer described in paragraph (a) of the definition of ' Officer ' in clause 1, may retire from the service at any time ; and in any other case may retire from the service within two years of the appointed day. On such retirement he shall be entitled to receive from the Government of Ceylon a compensatory pension in accordance with the special regulations made under section 88 of the Ceylon (State Council) Order in Council, 1931, in force on the appointed day ; but an Officer who leaves the Ceylon service on transfer to the public service in any colony, protectorate or mandated or trust territory shall not be entitled to receive such a pension.

4. Pensions which have been or may be granted to any persons who have been, and have ceased to be, in the public service of Ceylon at any time before the appointed day, or to the widows, children or dependants of such persons, shall be paid in accordance with the law under which they were granted, or if granted after that day, in accordance with the law in force on that day, or in either case in accordance with any law made thereafter which is not less favourable.

5. The Government of Ceylon will comply with any reasonable request which may at any time be made by the Government of the United Kingdom for the release of a public officer for employment in the public service elsewhere.

6. This Agreement will take effect on the appointed day.

Done in duplicate, at Colombo, this eleventh day of November 1947.

Signed on behalf of the Government of the United Kingdom  
of Great Britain and Northern Ireland

HENRY MOORE

Signed on behalf of the Government of Ceylon  
D. S. SENANAYAKE

## APPENDIX II

### *Ministries and Departments of the Government of Ceylon*

#### MINISTRY OF DEFENCE & EXTERNAL AFFAIRS

Police

Information Department

Ceylon Army

Royal Ceylon Navy

Diplomatic Representatives of Ceylon Abroad

Department of Immigration & Emigration

Department for Registration of Indian & Pakistani Residents

#### MINISTRY OF TRANSPORT & WORKS

Public Works Department

Colombo Port Commission

Ceylon Government Railway

Civil Aviation Department

Department of Government Electrical Undertakings

Department of the Commissioner of Motor Traffic

Basic Technical Training Institute

#### MINISTRY OF FINANCE

General Treasury

Central Bank of Ceylon

Ceylon Savings Bank

Ceylon State Mortgage Bank

The Agricultural & Industrial Credit Corporation of Ceylon

Local Loans & Development Fund

Government Stores Department

Department of Income Tax, Estate Duty & Stamps

Customs

Widows' & Orphans' Pension Office

Department of Census & Statistics

National Savings Department

Loan Board

Government Press

#### MINISTRY OF JUSTICE

Attorney General's Department

Legal Draftsman's Department

Public Trustee  
Fiscals  
Rural Courts Headquarters Office  
Debt Conciliation Board

#### MINISTRY OF HOME AFFAIRS

Government Agencies  
Excise Department  
Government Analyst's Department  
Department of Parliamentary Elections  
Department of Prisons & Probation  
Registrar-General's Department  
Department of Rural Development  
Department of Cottage Industries  
Department of Approved & Certified Schools

#### MINISTRY OF LANDS & LAND DEVELOPMENT

Land Commissioner's Department  
Land Settlement Department  
Survey Department  
Forest Department  
Irrigation Department  
Valuation Department  
Agricultural Corps  
Department of Wild Life  
Land Development Department  
Gal Oya Development Board

#### MINISTRY OF AGRICULTURE & FOOD

Department of Agriculture  
Food Department  
Commissioner of Cooperative Development & Registrar of  
Cooperative Societies  
Marketing Department  
Tea Control Department  
Rubber Control Department

#### MINISTRY OF HEALTH

Department of Health  
Ceylon Medical College Council  
Quarantine Department  
Board of Indigenous Medicine  
College of Indigenous Medicine



**MINISTRY OF LOCAL GOVERNMENT**

Local Government Department  
Department of Elections (Local Bodies)

**MINISTRY OF EDUCATION**

Education Department  
National Museums  
Government Archives Department  
Archaeological Department  
Ceylon Technical College Department  
UNESCO Secretariat  
Department of Examinations  
Educational Publications Board

**MINISTRY OF LABOUR**

Department of Labour  
Board of Indian Immigrant Labour

**MINISTRY OF COMMERCE, TRADE & FISHERIES**

Department of Commerce  
Department of the Registrar of Companies  
Government Tourist Bureau  
Rubber Commissioner's Department  
Department of the Controller of Imports & Exports  
Fisheries Department

**MINISTRY OF POSTS AND BROADCASTING**

Posts and Telecommunications  
Department of Broadcasting  
Department of Meteorology

**MINISTRY OF INDUSTRIES, HOUSING & SOCIAL SERVICES**

Department of Industries  
Department of Town & Country Planning  
Department of Social Services

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